

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 243.

Motor Traffic.

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Police at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References in or in relation to this Chapter to—

“the Departmental Head”—should be read as references to the Secretary for Police;

“the Department”—should be read as references to the Department of Police.

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¹Subsidiary legislation has not been updated.



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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER No. 243.

Motor Traffic Act.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 243.

Motor Traffic Act¹.

Being an Act relating to motor traffic, and for other purposes.

PART I.—PRELIMINARY.

1. Interpretation.

(1) In this Act, unless the contrary intention appears—

“driver” means, subject to Subsection (2), a person driving a motor vehicle;

“drug” means a dangerous drug within the meaning of the *Dangerous Drugs Act*;

“Inspector of Motor Traffic” means an Inspector of Motor Traffic appointed by or under Section 5;

“licence” means a licence under the regulations;

“metered zone” means a public street or a part of a public street declared under Section 12(a) to be a metered zone;

“motor vehicle” means a motor car, motor carriage, motor cycle, motor truck, motor omnibus, motor tractor or other vehicle powered wholly or partly by—

(a) a volatile spirit; or

(b) steam, gas, oil or electricity; or

(c) any means other than human or animal power, and includes a trailer, but does not include a vehicle used on a railway or tramway;

“Motor Vehicles Registry” means—

(a) a police station where an Inspector of Police is stationed; or

(b) a place appointed under Section 7 to be a Motor Vehicles Registry;

“owner”, in relation to a motor vehicle that is the subject of a hire-purchase agreement, means the person in possession of the vehicle under the agreement;

“pedestrian” includes a person running, walking, sitting, standing or otherwise being on a road;

“public motor vehicle” means a motor vehicle used for carrying passengers for hire or reward;

“public motor vehicle licence” means a public motor vehicle licence under the regulations;

“public street” means a street, road, lane, thoroughfare, footpath, bridge or place—

(a) that is open to or used by the public; or

(b) to which the public have or are permitted to have access,

whether on payment of a fee or otherwise;

“registered” means registered under the regulations;

¹See, also, *Land Transport Board Act*.

"the Superintendent" means the Superintendent of Motor Traffic appointed by Section 4;

"this Act" includes the regulations;

"trailer" means subject to Subsection (3)—

(a) a vehicle without motive power; or

(b) a machine that is mounted on wheels,

that is constructed or adapted for being drawn by a motor vehicle;

"vehicle" means any description of vehicle on wheels other than a vehicle used on a railway or tramway.

(2) For the purposes of this Act, the person driving a motor vehicle to which a trailer is attached shall be deemed to be driving the trailer.

(3) For the purposes of this Act, a vehicle without motive power constructed or adapted for being drawn by a motor vehicle shall not be deemed to be a trailer, but shall be deemed to be part of the motor vehicle by which it is drawn, if—

(a) it is constructed or adapted for attachment to a motor vehicle by means of a turntable or kingpin; and

(b) a substantial part of its weight and of the weight of its load rests on the motor vehicle.

2. Act to bind the State.

This Act binds the State.

3. Saving of liability under other laws.

This Act does not affect any liability of a person by virtue of any other law.

PART II.—ADMINISTRATION.

4. Superintendent of Motor Traffic.

The Commissioner of Police—

(a) is the Superintendent of Motor Traffic; and

(b) under the Minister, is charged with the administration of this Act.

5. Inspectors of Motor Traffic.

(1) Every commissioned officer of the Police Force is an Inspector of Motor Traffic.

(2) The Minister may, by notice in the National Gazette, appoint an officer of the Public Service to be an Inspector of Motor Traffic in any place. (*Amended by No. 9 of 1978, s. 1.*)

6. Traffic Districts.

Each province is a Traffic District for the purposes of this Act.

7. Motor Vehicles Registries.

The Minister may, by notice in the National Gazette, appoint places to be Motor Vehicles Registries for the purposes of this Act.

8. Delegation.

(1) The Superintendent may, by instrument under his hand, delegate to an Inspector of Motor Traffic all or any of his powers and functions under this Act (except this power of delegation).

(2) The Superintendent may, by instrument under his hand, delegate to a provincial government body or Area Authority his powers and functions in relation to the—

- (a) application for; or
- (b) grant or renewal of; or
- (c) cancellation or suspension of,

a public motor vehicle licence. (*Added by No. 9 of 1978, s. 2.*)

9. Australian Government vehicles.

Notwithstanding this Act, if the Superintendent is satisfied that—

- (a) a motor vehicle is the property of the Government of Australia; and
- (b) the number-plates bearing the registration number of the vehicle were issued by the Department of Administrative Services of Australia,

it is not necessary for the vehicle to carry any number-plate in addition to those so issued.

PART III.—REGISTRATION OF VEHICLES AND LICENSING OF DRIVERS, ETC.

10. Registration, licensing, etc.

The regulations shall make provision, in accordance with Section 47, for and in respect of—

- (a) the registration of motor vehicles; and
- (b) the licensing of drivers.

11. Permits to drive unregistered vehicles.

(1) Notwithstanding Section 22, the Superintendent may, in his discretion—

- (a) on payment of the prescribed fee; and
- (b) on production of third party insurance cover,

grant to a primary producer or motor vehicle dealer who owns an unregistered motor vehicle a permit in the prescribed form to drive the vehicle along a route or routes specified in the permit, for such purposes and during such period as the Superintendent thinks proper.

(2) A permit granted under Subsection (1) is subject to such conditions as the Superintendent thinks proper.

(3) A permit shall not be granted under Subsection (1) for a tractor unless the tractor—

- (a) is equipped with pneumatic tyres; or
- (b) in the opinion of the Superintendent, will not cause undue damage to roads.

(4) If a motor vehicle for which a permit under Subsection (1) is in force is driven on a road otherwise than in accordance with the terms and conditions of the permit, the person driving the vehicle is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(*Amended by No. 4 of 1981, s. 4.*)

PART IV.—METERED PARKING.

12. Metered zones.

The Superintendent may—

- (a) declare a public street or a portion of a public street to be a metered zone; and

- (b) cause a traffic sign—
 - (i) indicating where metered parking is authorized; or
 - (ii) defining a metered space in a metered zone; or
 - (iii) indicating the maximum period during which a motor vehicle may be parked in a metered zone; or
 - (iv) indicating the hours in which or the days on which metered parking only is permitted in a metered zone; or
 - (v) defining a loading zone; or
 - (vi) defining a vehicle stand; or
 - (vii) necessary or desirable for the safe and effective regulation of traffic, to be constructed, marked, placed, erected or affixed in or near a public road or part of a public road that is in a metered zone or that is a metered zone; and
- (c) alter or remove a traffic sign constructed, marked, placed, erected or affixed under Paragraph (b).

13. Council parking meters.

- (1) A Local Government Council may install in a metered zone, and maintain, parking meters in accordance with this Part.
- (2) A Local Government Council that has installed a parking meter in the area administered by the Council shall—
 - (a) collect the money inserted in the meter; and
 - (b) pay the amounts collected into the general revenue of the Council.

14. Government parking meters.

- (1) In an area where there is no Local Government Council, or no Local Government Council prepared to install and maintain parking meters in accordance with this Part, parking meters may be installed and maintained in a metered zone by the State.
- (2) The amounts collected from the parking meters installed and maintained under Subsection (1) shall be paid into the Consolidated Revenue Fund.

15. Installation of parking meters.

A parking meter installed under Section 13 or 14 shall be placed in a metered space defined under Section 12(b)(ii) in a position approved by the Superintendent.

16. Liability in respect of parking offences in metered zones.

- (1) Subject to Subsection (4), where an offence is committed in relation to the parking of a motor vehicle in a metered zone the person who at the time of the commission of the offence was the owner of the vehicle—
 - (a) shall be deemed to have committed the offence; and
 - (b) may be proceeded against for the commission of the offence.
- (2) For the purposes of Subsection (1), the person in whose name the motor vehicle is registered shall be deemed to be the owner of the vehicle.
- (3) The court hearing a complaint of an offence in relation to the parking of a motor vehicle in a metered zone shall, unless the contrary is proved, presume that the parking meter in respect of which the complaint has arisen was at all times and in all respects in good and correct working order and condition.

(4) Notwithstanding Subsection (1), the owner of a motor vehicle shall not, by virtue of that subsection, be deemed to be guilty of an offence not actually committed by him if he proves, to the satisfaction of the court—

- (a) that the vehicle was sold before the date on which the offence was committed; or
- (b) that, at the time of the offence, the vehicle was stolen or being unlawfully used without his consent.

PART IVA.—CERTAIN FEES TO BE PAID TO PROVINCIAL GOVERNMENT BODIES, ETC.

(Added by No. 9 of 1978 s. 4.)

16A. Certain fees to be paid to provincial government bodies, etc.

(1) Where the Superintendent has delegated to a provincial government body or an Area Authority his powers and functions under Section 8(2), the power, authority, function, duty or responsibility to collect fees in respect of—

- (a) an application for a public motor vehicle licence; and
- (b) a public motor vehicle licence; and
- (c) a certificate of registration as a public hire car or a private hire car; and
- (d) a temporary licence; and
- (e) a certificate of registration as a motor omnibus,

under the *Motor Traffic Regulation*, is vested in the provincial government body or the Area Authority.

(2) Where any fees are collected under this section by a provincial government body or an Area Authority, the amounts so collected—

- (a) shall be deemed not to be public moneys of the State, but shall be revenue of the provincial government body or Area Authority, as the case may be; and
- (b) shall be paid into the general revenue of that provincial government body or Area Authority.

PART V.—OFFENCES.

Division 1.—Offences Generally.

17. Dangerous driving and negligent driving.

(1) A person who drives a motor vehicle on a public street negligently, furiously or recklessly, or at a speed or in a manner that is dangerous to the public, is guilty of an offence.

Penalty: A fine of not less than K15.00 and not exceeding K200.00 or imprisonment for a term not exceeding six months, or both.

(Amended by No. 111 of 1973, s. 3.)

(2) A person who drives a motor vehicle on a public street without due care and attention, or without reasonable consideration for other road users, is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by No. 4 of 1981, s. 4.)

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(3) In considering whether an offence has been committed against this section, the court shall have regard to all the circumstances of the case, including—

- (a) the nature, condition and use of the street on which the offence is alleged to have been committed; and
- (b) the amount of traffic that was or might reasonably have been expected to have been on the street at the time.

18. Driving under the influence.

A person who, while he is under the influence of intoxicating liquor or a drug—

- (a) drives a motor vehicle on a public street; or
- (b) occupies the driving seat of a motor vehicle on a public street and attempts to put the motor vehicle in motion,

is guilty of an offence.

Penalty: For a first offence—a fine not less than K50.00 and not exceeding K300.00 or imprisonment for a term not less than three months and not exceeding 12 months, or both a fine and imprisonment. For a second or subsequent offence—a fine not less than K200.00 and not exceeding K300.00 or imprisonment for a term not less than six months and not exceeding 12 months, or both a fine and imprisonment.

(Amended by No. 111 of 1973, s. 5.)

19. Prevention of driving under the influence, etc.

(1) Subject to Subsection (2), where a member of the Police Force is of opinion on reasonable grounds that a person who is driving, or appears to him to be about to drive, a motor vehicle is by reason of his physical or mental condition incapable of having proper control of the vehicle, he may do all or any of the following things:—

- (a) forbid the person to drive the vehicle while he is so incapable; or
- (b) require him to deliver up immediately all ignition or other keys of the vehicle in his actual possession; or
- (c) take such other steps as are in his opinion necessary to make the vehicle immobile or to remove it to a place of safety.

(2) Subsection (1) does not authorize—

- (a) the detention of keys; or
- (b) the immobilization or detention of a motor vehicle,

for any longer period than is necessary in all the circumstances of the case in the interests of the person or of any other person, or of the public.

(3) Subject to Subsection (4), a person who—

- (a) contravenes or fails to comply with a prohibition or requirement made by a member of the Police Force under this section; or
- (b) attempts to obstruct a member of the Police Force in the exercise of any power conferred on him by this section,

is guilty of an offence.

Penalty: For a first offence—a fine not exceeding K100.00.

For a second or subsequent offence—a fine not exceeding K200.00 or imprisonment for a term not exceeding six months.

(4) A person shall not be found guilty of an offence against this section unless the court is satisfied that the member of the Police Force concerned had reasonable grounds for believing that in all the circumstances of the case the action taken by him under Subsection (1) was necessary in the interests of the person or of any other person, or of the public.

20. Medical examination of arrested persons.

A person who is arrested for an offence against Section 18 or 19 is entitled, on request made by him or on his behalf, to be examined by a medical practitioner, and where any such request is made the member of the Police Force making the arrest shall afford all reasonable facilities for the holding of the examination.

21. Unlicensed drivers.

(1) Subject to this Act, a person who drives a motor vehicle on a public street without being licensed for the purpose is guilty of an offence.

Penalty: A fine of not less than K10.00 and not exceeding K500.00.

(2) Subject to this Act, a person who employs or permits an unlicensed person to drive a motor vehicle on a public street is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by No. 111 of 1973, s. 6, No. 4 of 1981, s. 2 and 4.)

22. Unregistered vehicles, etc.

(1) Subject to this Act and in particular to Section 11, a person who drives, or causes or permits to be driven, on a public street, an unregistered motor vehicle is guilty of an offence.

Penalty: A fine of not less than K20.00 and not exceeding K500.00.

(2) Subject to this Act and in particular to Section 11, a person who drives, or causes or permits to be driven, on a public street a motor vehicle that—

- (a) does not have the prescribed number-plate properly affixed to it; or
- (b) has its number-plate obscured so that the numbers on the plate are not clearly visible; or
- (c) has the original numbers on its number-plate obliterated by paint or any other material; or
- (d) has its number-plate so damaged that the original numbers are not complete and distinctly visible,

is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(3) A person is not liable to a penalty for an offence against Subsection (1) and (2) if he proves to the satisfaction of the court that—

- (a) the breach was the result of an accident; or
- (b) the vehicle concerned—
 - (i) was being driven to the nearest Motor Vehicles Registry for the purpose of being registered; and
 - (ii) otherwise complied with the prescribed conditions.

(Amended by No. 111 of 1973, s. 6, No. 4 of 1981, s. 4.)

23. Vehicles carrying passengers.

A person who causes or permits a motor vehicle (other than a vehicle in respect of which the prescribed public motor vehicle licence is in force) to be used for carrying passengers for hire or reward is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by No. 4 of 1981, s. 4.)

24. Stopping in case of accidents.

Where injury or damage is caused to a person or to an animal or vehicle in the charge of a person because of an accident in which a motor vehicle is concerned, if the driver of the motor vehicle—

- (a) fails to stop his vehicle; or
- (b) fails, when required—
 - (i) by the person who is injured or whose animal or vehicle is injured or damaged; or
 - (ii) by a member of the Police Force,
to give—
 - (iii) his name and address; and
 - (iv) the name and address of the owner of the motor vehicle; and
 - (v) the registration number of the motor vehicle; or
 - (c) fails to report the accident to the officer-in-charge of the police station nearest the scene of the accident as soon as practicable, and in any case within 24 hours,

he is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by No. 4 of 1981, s. 4.)

25. Unauthorized use of vehicles.

(1) Subject to Subsection (2), a person who drives or uses a motor vehicle without first obtaining the consent of the owner is guilty of an offence.

Penalty: A fine not exceeding K200.00 or imprisonment for a term not exceeding six months.

(2) Notwithstanding anything in this Act, Subsection (1) does not apply to a member of the Police Force in the execution of his duty.

26. Unauthorized interference with vehicles.

A person who interferes with or tampers with a motor vehicle or any part of a motor vehicle without the consent of the owner of the vehicle is guilty of an offence.

Penalty: A fine not exceeding K500.00

(Amended by No. 4 of 1981, s.4.)

27. Failure to pay fare.

A person who, in respect of a journey in a public motor vehicle, refuses or fails, without reasonable excuse (proof of which is on him), to pay the regular charge or fare payable by him when demanded from him by the owner or the driver of the vehicle, or by an employee of the owner, is guilty of an offence.

Penalty: A fine not exceeding K10.00.

28. Hiring of vehicle by fraud.

A person who procures the use or hire of a motor vehicle by fraud or misrepresentation is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by No. 4 of 1981, s.4.)

29. Limitation of speed.

(1) The Minister may, by notice in the National Gazette, limit the speed at which a motor vehicle may travel—

(a) on a public street; or

(b) on any part of a public street; or

(c) in an area,

specified in the notice.

(2) A person who drives a motor vehicle on a public street or a part of a public street, or in an area, specified in a notice under Subsection (1) at a speed greater than the speed permitted by the notice is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by No. 4 of 1981, s.4.)

30. Production of licence, etc., on demand.

(1) A driver of a motor vehicle who fails to produce his licence when required to do so by a member of the Police Force, or an Inspector of Motor Traffic in the execution of his duty under this Act is guilty of an offence.

Penalty: A fine of not less than K1.00 and not exceeding K500.00.

(2) A driver of a motor vehicle who, when required by a member of the Police Force, or an Inspector of Motor Traffic in the execution of his duty under this Act to state his name and place of abode—

(a) refuses to do so; or

(b) states a false name or place of abode,

is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by No. 111 of 1973 s. 4 and No. 9 of 1978, s. 3, and No. 4 of 1981, s. 1 and 4.)

31. Failure to assist in identification of offending driver.

The owner of, or a passenger in, a motor vehicle who, when required by a member of the Police Force, or an Inspector of Motor Traffic to give any information that—

(a) it is in his power to give; and

(b) may lead to the identification of the person who was driving the vehicle when an offence against this Act is alleged to have been committed, refuses or fails to give the information is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by No. 9 of 1978, s. 3, No. 4 of 1981, s. 4.)

32. Miscellaneous offences relating to licences, registration, etc.

A person who—

- (a) by a false statement or misrepresentation obtains or attempts to obtain a licence, certificate of registration or permit under Section 11; or
- (b) wilfully furnishes false or misleading information with regard to particulars required by this Act to be furnished in relation to a licence, certificate of registration or permit under Section 11; or
- (c) without lawful excuse, has in his possession—
 - (i) a licence, certificate of registration, permit under Section 11, registration label or number-plate issued under this Act; or
 - (ii) an article—
 - (A) resembling a licence, certificate of registration, permit under Section 11, registration label or number-plate issued under this Act; and
 - (B) calculated to deceive; or
- (d) forges, fraudulently alters or uses or fraudulently lends to, or allows to be used by, any other person a licence, permit under Section 11, number-plate or mark for identifying a motor vehicle under this Act; or
- (e) owns or drives on a public street an unregistered motor vehicle having on it any numbers or number-plate—
 - (i) of a description prescribed to be affixed to motor vehicles; and
 - (ii) calculated to deceive; or
- (f) except as authorized by this Act, transfers, or causes or permits to be transferred, a number-plate issued under this Act in respect of a motor vehicle to any other motor vehicle, or causes or permits such a number-plate to be on any other motor vehicle; or
- (g) affixes to, or causes or permits to be affixed to, or to be on, an unregistered motor vehicle—
 - (i) a number-plate, or an article on which there is a number, resembling, but not being, a prescribed number-plate; or
 - (ii) a prescribed number-plate that has been altered in contravention of this Act; or
- (h) sells, disposes of or buys, or attempts to sell, dispose of or buy, a number-plate or certificate of registration, otherwise than as part of the sale, disposal or purchase of the vehicle in respect of which the number-plate or certificate of registration was issued; or
- (i) sells, disposes of or buys, or attempts to sell, dispose of or buy, a permit under Section 11,

is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by No. 4 of 1981, s. 4.)

33. Production of licence to court.

A licensed driver charged with an offence against this Act who fails, without reasonable excuse, to produce his licence to the court at the time of hearing is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by No. 4 of 1981, s. 4.)

Division 2.—Summary Provision in Certain Cases.

34. On-the-spot fines.

(1) Where it appears to a member of the Police Force or a prescribed officer that a person has committed a prescribed offence against this Act, the member of the Police Force or prescribed officer may serve on the person a notice in the prescribed form to the effect that if he does not desire to have the matter determined by a court he may pay to an officer specified in the notice, within the time specified in the notice, the amount of the penalty prescribed for the offence if dealt with under this section.

(2) A notice under Subsection (1) may be served—

(a) personally or by post; or

(b) by leaving it on or in, or attaching it to, the vehicle.

(3) A person alleged to have committed an offence to which Subsection (1) applies has the right to decline to be dealt with under this section.

(4) For the purposes of Subsection (3), a person who fails to pay, within the time specified in the notice or such further time as is allowed in any particular case, the penalty to which a notice under Subsection (1) relates shall be deemed to have declined to be dealt with under this section.

(5) Where the amount of the prescribed penalty for an alleged offence is paid in accordance with this section, no person is liable to any further proceedings for the offence.

(6) Payment, in accordance with this section, of a penalty in respect of an alleged offence—

(a) shall not be regarded as an admission of liability for the purposes of; and

(b) does not affect or prejudice,

any criminal proceedings other than proceedings for the alleged offence or any civil claim, action or proceeding arising out of the same occurrence.

(7) The regulations may—

(a) prescribe the offences that are prescribed offences for the purposes of this section by—

(i) setting out the offences; or

(ii) referring to the provisions creating the offences; and

(b) prescribe the amount of, and the method of payment of, the penalty payable under this section for a prescribed offence.

(8) A penalty prescribed for the purposes of this section for a prescribed offence shall not exceed—

(a) the maximum amount of penalty that could be imposed for the offence by a court; or

(b) a fine of K500.00,

whichever is the less.

(Amended by No. 4 of 1981, s. 4.)

(9) Subject to Subsections (5) and (6), this section is supplementary to, and not in derogation of, any other provision of this Act or any other law in relation to proceedings that may be taken in respect of prescribed offences.

Division 3.—Traffic Infringement Summons.

(Added by No. 4 of 1981, s. 3.)

34A Traffic Infringement Summons.

(1) Where it appears to a member of the Police Force or a prescribed officer that a person has committed a prescribed offence against this Act, that member of the Police Force or prescribed officer may serve on the a person a Traffic Infringement Summons.

(2) A Traffic Infringement Summons shall be in the prescribed form and shall—

- (a) be directed against the person named in the summons as the person alleged to have committed the prescribed offence; and
- (b) specify the alleged offence; and
- (c) specify the penalty prescribed for that offence; and
- (d) specify the court to the Clerk of which the penalty may be paid within a period of 14 days commencing on the day following the day on which the Summons is served; and
- (e) state that in the event of—
 - (i) payment of the penalty at the court and within the period specified, the case will not be called in court; and
 - (ii) non-payment of the fine at the court within the specified period, the case will be called on the first day on which the court sits following the expiry of the specified period; and
 - (iii) the person named in the Summons not appearing or not being represented when the case is called in court under Subparagraph (ii), a plea of guilty shall be recorded and the case dealt with in accordance with the procedure of the court; and¹
 - (iv) the person named in the Summons wishing to plead not guilty or otherwise wishing to be heard by the court, he should appear or be represented in the court on the first day on which the court sits following the expiry of the specified period.

(3) A person who serves a Traffic Infringement Summons shall immediately after service—

- (a) make an affidavit, endorsed on the original Summons, stating the day and place of service; and
- (b) transmit the original Summons to the Clerk of the Court specified in the Summons for subsequent production at the court if required in accordance with the provisions of this Act in the event of non-payment of the sum specified within the time specified.

(4) A Traffic Infringement Summons containing an affidavit purporting to be an affidavit of service is prima facie evidence of the service of the summons.

¹Declared unconstitutional by the Supreme Court. See Supreme Court Reference 1A of 1981.

34B. Procedure on Traffic Infringement Summons.

(1) For the purpose of this section—

“defendant” means a person on whom a Traffic Infringement Summons has been served;

“specified” means specified in the Traffic Infringement Summons.

(2) Following the service of a Traffic Infringement Summons—

(a) where the defendant pays the specified penalty to the Clerk of the specified court within the specified period, the matter proceeds no further; or

(b) where payment is not made under Paragraph (a)—the case is called in the specified court on the first day on which the court sits following the expiry of the specified period; or

(c) where the case is called under Paragraph (b) and—

(i) the defendant is not present or represented, a plea of guilty shall be recorded and the matter dealt with in accordance with the procedure of the court; or

(ii) the defendant is present or represented, the matter shall be dealt with in accordance with the procedure of the court.

PART VI.—EFFECT OF CONVICTION.**35. Automatic disqualification, etc.**

Where a person is convicted of an offence against Section 17(1) or 18, the court that convicts him shall disqualify him from holding and obtaining a licence for such period as it thinks proper, not being less than—

(a) in the case of a first offence—

(i) against Section 17(1)—three months; and

(ii) against Section 18—six months; and

(b) in the case of a second or subsequent offence against either of those sections—12 months.

(Amended by No. 111 of 1973, s. 5.)

36. Discretionary suspension, disqualification, etc.

(1) Subject to Section 35, the court that convicts a person of an offence against this Act may, in addition to any other punishment to which the person is liable under this Act in respect of the offence—

(a) if he holds a licence or a permit under Section 11—

(i) suspend the licence or permit for such time as the court thinks proper and, if the court thinks fit, also direct that no licence and no such permit be granted to him during such further time after the expiration of the licence or permit as the court thinks proper; or

(ii) cancel the licence or permit and, if the court thinks fit, declare him to be disqualified from obtaining a licence or such a permit for such time as the court thinks proper; and

- (b) if he does not hold a licence or a permit under Section 11—direct that no licence or permit be granted to him during such time as the court thinks proper.

(2) A person whose licence or permit under Section 11 is suspended is, during the period of suspension, disqualified from obtaining a licence or permit.

37. Endorsement of licence or permit.

(1) Where the holder of a licence or of a permit under Section 11 is convicted of an offence against this Act, the court that convicts him shall cause particulars of the conviction to be endorsed on the licence or permit.

(2) Where the holder of a licence or of a permit under Section 11 is convicted of an offence against this Act, he must produce his licence or permit within a reasonable time for the purpose of endorsement.

Penalty: A fine not exceeding K500.00.

(Amended by No. 4 of 1981, s. 4.)

38. Wrongfully obtaining, etc., licence, etc.

If—

- (a) a person who is disqualified under this Act from obtaining a licence or a permit under Section 11 applies for or obtains a licence or such a permit, or a renewal of a licence or of such a permit, while he is so disqualified; or
- (b) a person whose licence or permit under Section 11 has been endorsed in accordance with Section 37 applies for or obtains a licence or such a permit,

or a renewal of a licence or of such a permit, without giving particulars of the endorsement,

the licence or permit is of no effect and he is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by No. 4 of 1981, s. 4.)

39. Particulars of convictions, etc.

The court that makes a conviction or order under this Act shall cause particulars of the conviction or order to be forwarded to the prescribed officer.

PART VII.—MISCELLANEOUS.

40. Arrest without warrant.

A member of the Police Force may, without warrant, arrest—

- (a) a person in the act of committing, or immediately after having committed, an offence against Section 18, 19, 25, 26, 30(2) or 31; or
- (b) a person whom he believes on reasonable grounds to have committed any such offence.

41. Offences due to accident.

A person is not liable to be convicted of an offence against this Act if he proves to the satisfaction of the court hearing the case that the offence could not have been avoided by reasonable efforts on his part.

42. Records of registrations, licences, etc.

(1) Particulars of the registration of motor vehicles and of the issue of certificates, permits under Section 11 and licences shall be recorded at the prescribed office or offices.

(2) An extract from or copy of any entry contained in a record kept in accordance with Subsection (1), certified by a prescribed officer, shall, in all courts and on all occasions, be—

- (a) received as evidence; and
- (b) deemed to be sufficient proof of all particulars contained in the entry,

without requiring the production of the books, permit, licence, requisition, notice or other document on which the entry was founded.

43. Evidence of registration and ownership.

In any proceedings under this Act—

- (a) proof that a motor vehicle has not on it the prescribed distinguishing number is prima facie evidence that the vehicle is not registered; and
- (b) proof that a person registered a motor vehicle is prima facie evidence that he is the owner of the vehicle.

44. Powers and duties of police.

(1) Every member of the Police Force shall do all things in his power to ensure that this Act is duly observed.

(2) In all cases not expressly provided for, a member of the Police Force in the execution of his duty under this Act may give such reasonable directions—

- (a) to persons driving motor vehicles or driving or riding other vehicles or animals; or
- (b) to pedestrians,

on a public street as are in his opinion necessary for the safe and efficient regulation of the traffic on the street.

45. Service of notices.

A notice under this Act shall be deemed to be duly served on an owner or driver of a motor vehicle if it is—

- (a) served personally; or
- (b) left at the last address specified in or endorsed on the licence of the owner or driver.

46. Speed-measuring and time-measuring devices.

Where in any proceedings for an offence against Section 29 or any other law, the speed at which a motor vehicle travelled on the occasion of the alleged offence is relevant, evidence of the speed of the vehicle, as indicated or determined on that occasion by means of a prescribed speed-measuring or time-measuring device, used in the prescribed manner and subject to the prescribed conditions, is, without prejudice to any other mode of proof, *prima facie* evidence of the speed of the vehicle on that occasion.

47. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for—

- (a) the regulation of the owners and drivers of motor vehicles; and
- (b) the regulation of the registration of motor vehicles, and the manner, duration, suspension, cancellation, transfer and renewal of registration; and
- (c) the granting of permits under Section 11; and
- (d) the licensing of drivers of motor vehicles; and
- (e) the regulation of the grant of licences, and of the renewal, transfer, suspension, cancellation and return of licences; and
- (f) the replacement of lost licences; and
- (g) the licensing of public motor vehicles; and
- (h) the regulation of the grant of public motor vehicle licences, and of the renewal, transfer, suspension, cancellation and return of such licences; and
- (i) prescribing maximum charges or fares to be made or charged in relation to public motor vehicles; and
- (j) prescribing the form, construction and equipment of public motor vehicles; and
- (k) providing that a public motor vehicle licence shall not be granted or renewed except in respect of a motor vehicle the owner of which is insured as prescribed against his liability for damages in respect of the vehicle in case of injury to persons; and

- (l) prescribing the qualifications of drivers of motor vehicles, and the age or ages at which persons may drive motor vehicles; and
- (m) prescribing places for—
 - (i) the registration of, and for application for the grant of permits under Section 11 in relation to, motor vehicles; and
 - (ii) the licensing of drivers; and
- (n) regulating the use of motor vehicles on public streets, and the conditions under which they may be so used; and
- (o) regulating, subject to Section 29, the speed at which motor vehicles may travel; and
- (p) regulating—
 - (i) the weights of the loads and the numbers of passengers that may be carried on different kinds of motor vehicles; and
 - (ii) the carrying on motor vehicles of long, large, heavy or projecting articles; and
- (q) prescribing and regulating the carrying of lights on motor vehicles; and
- (r) prescribing and regulating the affixing and use of horns or other means of alarm; and
- (s) prescribing and regulating the affixing of efficient brakes on motor vehicles; and
- (t) preventing or minimizing—
 - (i) the noise; and
 - (ii) the issue of smoke or fumes,
from the working of the machinery or engines of motor vehicles; and
- (u) prohibiting the use of motor vehicles that, owing to their construction or other cause, are unsuitable for safe use; and
- (v) prescribing the rules of the road to be observed by drivers of motor vehicles; and
- (w) the regulation of motor traffic both generally and in respect of particular localities or public streets; and
- (x) the prohibition or restriction of motor traffic—
 - (i) in particular localities or public streets; and
 - (ii) for a specified period or otherwise; and
 - (iii) in respect of a class or all classes of motor vehicles; and
- (y) providing that motor vehicles shall have separate distinguishing numbers, and regulating—
 - (i) the form of the numbers; and
 - (ii) the manner of affixing them on vehicles; and
 - (iii) the issue and return of them; and
- (z) the erection of uniform signs and notices for the guidance of motor drivers; and
- (za) the temporary registration of motor vehicles owned by persons residing outside the country and temporarily in the country, and the drivers of such vehicles; and

- (zb) the issue of special number-plates to manufacturers of, or dealers in, motor vehicles for use on motor vehicles in their possession, on trial before or after completion, and prescribing the conditions under which such plates may be used; and
- (zc) regulating or prohibiting the manufacture, repair, cleansing or assembling of motor vehicles in public streets; and
- (zd) subject to the *Inflammable Liquids Act*, regulating or prohibiting the conveyance of inflammable liquid in or on motor vehicles used for the carriage of passengers for hire or reward; and
- (ze) the seizure and custody of motor vehicles that—
 - (i) are dangers or unreasonable obstructions to traffic; or
 - (ii) have been abandoned in a public street,
 and for—
 - (iii) the recovery of any expenses incurred in the seizure and custody of any such vehicle; and
 - (iv) its disposal or destruction if the owner fails to claim it or to pay any expenses referred to in Subparagraph (iii) within the prescribed time; and
- (zf) requiring the carrying of efficient fire extinguishers on specified classes of motor vehicles used for the carriage of passengers for hire or reward; and
- (zg) making provision for or with respect to the marking of tyres of motor vehicles by means of crayon, chalk or a similar substance by members of the Police Force, or an Inspector of Motor Traffic for any purpose connected with the enforcement of any of the provisions of this Act; and
- (zh) prohibiting or restricting any person (other than the driver or other prescribed person) from—
 - (i) parking, minding, caring for or taking charge of a motor vehicle on a public street; or
 - (ii) offering his services for any such purpose; and
- (zi) prohibiting or regulating the setting up and use of stalls, stands and vehicles for—
 - (i) the sale of goods; or
 - (ii) the pursuit of any business, calling or employment,
 in a public street; and
- (zj) prohibiting loitering and the obstruction of traffic in the carriageways of public streets; and
- (zk) regulating the use of trailers; and
- (zl) prescribing rules for the taking up and setting down of passengers; and
- (zm) appointing officers of the Public Service and commissioned officers of the Police Force to administer this Act, and defining their powers and duties; and
- (zn) prescribing the manner in which registers shall be kept; and
- (zo) prescribing the forms of—
 - (i) certificates of registration; and
 - (ii) permits under Section 11; and

- (iii) licences and other documents,
issued and used under or for the purposes of this Act; and
- (zp) the regulation of the parking of motor vehicles in metered zones; and
- (zq) the operation and treatment of parking meters; and
- (zr) the method of payment into parking meters; and
- (zs) the number and denomination of coins to be inserted in a parking meter in respect of a metered space per hour or part of an hour; and
- (zt) prescribing the matters in relation to which fees are payable and the fees to be paid; and
- (zu) imposing taxation on motor vehicles; and
- (zv) prescribing penalties of fines not exceeding K50.00 for offences against the regulations made for the purposes of Part IV., or for failures to comply with traffic signs constructed, marked, placed, erected or affixed under that Part; and
- (zw) prescribing penalties of fines not exceeding K500.00 or imprisonment for a term not exceeding six months, or both, and default penalties of fines not exceeding K50.00 for offences against the regulations.

(Amended by No. 9 of 1978, s. 5.)

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 243.

Motor Traffic Regulation.

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"certificate of registration"
"certificate of roadworthiness"
"court"
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"heavy vehicle"
"laden weight"
"large trailer combination"
"learner's permit"
"motor car"
"motor omnibus"
"motor tractor"
"motor truck"
"parking"
"passenger"
"pedestrian crossing"
"places to which this form applies"
"places to which this item applies"
"places to which this paragraph applies"
"places to which this section applies"
"places to which this subsection applies"
"prescribed vehicle"
"private hire car"
"provisional driving licence"
"public hire car"
"registration label"
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 243.

Motor Traffic Regulation.

MADE under the *Motor Traffic Act*.

PART I.—PRELIMINARY.

1. Interpretation.

(1) In this Regulation, unless the contrary intention appears—

“articulated vehicle” means a motor vehicle having at the rear a portion, on wheels, that is pivoted to, and a part of which (not being a pole, draw-bar or similar device, or an accessory of any such device) is superimposed on, the forward portion of the vehicle;

“authorized inspection station” means an inspection station authorized under Section 25A;

“the Board” means the Land Transport Board established by the *Land Transport Board Act*;

“certificate of registration” means a certificate of registration of a motor vehicle issued under Section 14(1)(b);

“certificate of roadworthiness” means a certificate issued under Section 25B;

“court” means a court of summary jurisdiction;

“driving licence” means a licence granted under Section 5, and includes a provisional driving licence;

“foreign driving licence” means—

(a) a licence to drive a motor vehicle issued under the law of a country other than Papua New Guinea; or

(b) an international driving permit issued in any such country;

“general public motor vehicle” means a motor vehicle other than—

(a) a private hire car; or

(b) a public hire car; or

(c) a motor omnibus;

“heavy vehicle” means a vehicle the laden weight of which, together with the laden weight of any trailer drawn by it, exceeds 4t;

“laden weight”, in relation to a heavy vehicle or trailer, means the weight of the vehicle or trailer together with its load (if any);

“large trailer combination” means a motor truck hauling a pole trailer or a trailer with more than one axle that is neither a prescribed vehicle nor a caravan;

“learner’s permit” means a permit granted under Section 3;

“motor car” means a motor vehicle (including a station wagon) constructed to be used principally for the carriage of persons, but does not include a motor cycle;

“motor omnibus” means a public motor vehicle that plies for hire in such a way that separate fares are paid for each passenger;

“motor tractor” means a road, oil or steam engine constructed to be used—

(a) for agricultural purposes; or

(b) in connexion with agricultural implements and machinery; or

(c) for haulage or earth-moving purposes,

but does not include a vehicle used on a railway or tramway;

"motor truck" means a motor vehicle used principally—

(a) for the carriage of goods, wares or merchandise; or

(b) for the conveyance of any kind of materials used in any trade, business or industry; or

(c) for use in any work other than the conveyance of passengers,

but does not include a motor tractor;

"parking", in relation to a motor vehicle, means the standing or waiting on a public street of a stationary vehicle, whether or not—

(a) the engine is idling or stopped; or

(b) the driver is present,

but does not include standing or waiting in obedience to an official traffic sign, a police signal or an order or direction authorized, issued, made or given under the Act;

"passenger", in relation to a motor vehicle, does not include the driver of the vehicle;

"pedestrian crossing" means that portion of the carriageway of a public street—

(a) on which there is marked, by means of studs, plates, markers, paint, lacquer or a plastic substance, or similar objects or material, along or in the general direction of the carriageway, a series of lines parallel and near to each other, of equal or approximately equal length and breadth; or

(b) between a pair of parallel broken or unbroken lines so marked across or partly across the carriageway,

and—

(c) in a case referred to in Paragraph (a)—includes the portion of the carriageway between each line and between each boundary of the carriageway and the nearest line; and

(d) in a case referred to in Paragraph (b), where the lines are marked partly across the carriageway—includes the portion of the carriageway between the prolongation of the lines;

"places to which this form applies" means places where the Departmental Head of the Department responsible for land transport, by notice in the National Gazette declares that the Motor Traffic (Licences) Regulation 1979 applies;¹

¹Motor Traffic (Licences) Regulation 1979 (No. 8 of 1979) Section 1 provides :—

"(1) Sections 2, 5, 6, 7, 8 (c) and (d), and 9 shall not have effect except to the extent and in accordance with a notice published under Subsection (3).

"(2) Until the sections referred to in Subsection (1) have effect, the relevant provisions of the Principal Regulation shall continue to have effect.

"(3) The Departmental Head of the Department responsible for land transport may, by notice published in the National Gazette, declare that Sections 2, 5, 6, 7, 8 (c) and (d) and 9 shall have effect in relation to licences and provisional licences to drive motor vehicles issued by—

(a) a Motor Vehicle Registry; or

(b) another office,

specified in the notice on and from a date specified in the notice."

"places to which this item applies" means places where the Departmental Head of the Department responsible for land transport, by notice in the National Gazette declares that the Motor Traffic (Licences) Regulation 1979 applies;¹

"places to which this paragraph applies" means places where the Departmental Head of the Department responsible for land transport, by notice in the National Gazette declares that the Motor Traffic (Licences) Regulation 1979 applies;¹

"places to which this section applies" means places where the Departmental Head of the Department responsible for land transport, by notice in the National Gazette declares that the Motor Traffic (Licences) Regulation 1979 applies;¹

"places to which this subsection applies" means places where the Departmental Head of the Department responsible for land transport, by notice in the National Gazette declares that the Motor Traffic (Licences) Regulation 1979 applies;¹

"prescribed vehicle" means an excavator, forklift truck, grader, roller or other similar motor vehicle;

"private hire car" means a public motor vehicle that carries any person for monetary or any other material consideration, but does not ply for hire;

"provisional driving licence" means a licence granted under Section 4;

"public hire car" means a public motor vehicle that plies for hire in such a way that separate fares are not paid for each passenger;

"registration label" means a label issued under Section 18;

"safety sticker" means a safety sticker issued with a certificate of roadworthiness;

"stopping place sign" means a sign in Form 15C;

"trader's plate" means a number-plate issued under Section 82(a);

¹Motor Traffic (Licences) Regulation 1979 (No. 8 of 1979) Section 1 provides :—

"(1) Sections 2, 5, 6, 7, 8 (d) and (d), and 9 shall not have effect except to the extent and in accordance with a notice published under Subsection (3).

"(2) Until the sections referred to in Subsection (1) have effect, the relevant provisions of the Principal Regulation shall continue to have effect.

"(3) The Departmental Head of the Department responsible for land transport may, by notice published in the National Gazette, declare that Sections 2, 5, 6, 7, 8 (d) and (d) and 9 shall have effect in relation to licences and provisional licences to drive motor vehicles issued by—

(a) a Motor Vehicle Registry; or

(b) another office,

specified in the notice on and from a date specified in the notice."

"trader's plate certificate" means a certificate issued under Section 82(b) in relation to a trader's plate;

"traffic lane" means a laneway for the passage of vehicles marked along the carriageway, the boundaries of which are indicated by means of studs, plates, markers, paint, lacquer or a plastic substance, or similar objects or material, and includes any such laneway where—

- (a) one boundary is so indicated; and
- (b) the other is a lateral edge of the carriageway or of an island, strip, platform, plot or other division;

"visiting motor vehicle" means a motor vehicle registered outside the country, and brought for temporary use into the country;

"windscreen wiper" means a device capable of effectively moving rain, snow or other moisture from the windscreen immediately in front of the driver of a vehicle so as to give him a sufficient view of the road in front of the vehicle.

(Amended by No. 34 of 1977, s. 1, and No. 8 of 1979, s. 1.)

(2) For the purposes of this Regulation, the power rating of a motor vehicle shall be ascertained in accordance with the formula of the Society of Automotive Engineers.

(3) In this Regulation—

- (a) a reference, by number, to a class of motor vehicles is a reference to a class, so numbered, of motor vehicles as described in Part I. of Schedule 3; and
- (b) a reference, by number, to a class of driving licences is a reference to a driving licence to drive a vehicle of the class, so numbered, of motor vehicles.

PART II.—LICENSING OF DRIVERS.

2. Applications for learners' permits and licences.

(1) An application for a learner's permit or a driving licence, a provisional driving licence or for the renewal of a driving licence, shall be made in Form 1 or 2, as the case requires.

(2) On receipt of an application under Subsection (1), the Superintendent may, by written notice to the applicant, require him to attend at the office of the Superintendent on a date specified in the notice.

(Amended by No. 62 of 1975, s. 2, and No. 8 of 1979, s. 3.)

3. Grant of learners' permits.

(1) Subject to the payment of fees in accordance with Schedule 10 and Section 159, the Superintendent may grant to a person who—

- (a) is, subject to Subsection (3), not less than 21 years of age; and
- (b) holds, or has previously held, for a period of not less than 12 months—
 - (i) a licence; or
 - (ii) a provisional licence; or
 - (iii) a foreign driving licence,

to drive a motor vehicle (other than a motor cycle only), being a licence that has not been cancelled,

a permit in Form 3 authorizing him, subject to this Regulation, to learn to drive a motor vehicle of any class.

(2) The Superintendent may grant to a person who is, subject to Subsection (3), not less than 16 years and nine months of age a permit in Form 3 authorizing him, subject to this Regulation, to learn to drive a motor vehicle other than—

- (a) a motor vehicle weighing more than 2t; or
- (b) a motor car equipped to seat more than eight adult persons (including the driver).

(3) Where the Superintendent is satisfied that special circumstances exist that justify the granting of a permit referred to in Subsection (1) or (2) to a person who is under the age specified in that subsection, he may grant such a permit to him.

(4) A learner's permit shall not be granted for a period exceeding three months.

(5) The holder of a learner's permit must not drive on a public street a motor vehicle other than a motor cycle unless—

- (a) the seat next to the learner is occupied—
 - (i) by a person who holds a current driving licence; or
 - (ii) by—
 - (A) a member of the Police Force; or
 - (B) a person authorized by the Superintendent for the testing of drivers,
who is submitting the learner to a driving test for any of the purposes of the Act; and
- (b) there is displayed conspicuously and so as to be clearly visible at the front and rear, respectively, of the vehicle a sign, issued or authorized by the Superintendent, showing the letter "L" in black on a yellow background.

(6) The holder of a learner's permit must not drive on a public street a motor cycle—

- (a) if the motor cycle is being used for the carriage of any other person; or
- (b) unless there is displayed conspicuously and so as to be clearly visible at the rear of the motor cycle a sign, issued or authorized by the Superintendent, showing the letter "L" in black on a yellow background.

(7) Without limiting the liability of any other person, if the owner or person in charge of a motor vehicle—

- (a) causes or permits; or
- (b) fails to take reasonable precautions to prevent,

a contravention of Subsection (5) or (6) in relation to the vehicle, he is guilty of an offence.

(8) A person shall not learn to drive, or teach a person to drive, in a public motor vehicle while it is plying for hire or carrying passengers.

Penalty: A fine not exceeding K50.00.

(Amended by No. 20 of 1981, s. 1.)

4. Provisional licences.

(1) Subject to the payment of fees in accordance with Schedule 10 and Section 159, and to Section 7, the Superintendent may grant a provisional driving licence in Form 5

(endorsed with the word "Provisional") to drive a motor vehicle of a class or classes specified in the licence to a person who—

(a) has not previously held a licence to drive a motor vehicle, or a motor vehicle of the class for which the licence is sought; and

(b) satisfies him that—

(i) he is capable of driving, with safety to the public, the class or classes of motor vehicle intended to be specified in the licence; and

(ii) subject to Section 6, he is not less than—

(A) 17 years of age, in the case of a proposed Class 1 or Class 5 licence; or

(B) 21 years of age, in the case of any other class of licence.

(1A) In the places to which this subsection applies, subject to the payment of fees in accordance with Schedule 10 and Section 159, and to Section 7, the Superintendent may grant a provisional driving licence in Form 5A (endorsed with the word "Provisional") to drive a motor vehicle of a class or classes specified in the licence to a person who—

(a) has not previously held a licence to drive a motor vehicle, or a motor vehicle of the class for which the licence is sought; and

(b) satisfies him that—

- (i) he is capable of driving, with safety to the public, the class or classes of motor vehicle intended to be specified in the licence; and
- (ii) subject to Section 6, he is not less than—
 - (A) 17 years of age, in the case of a proposed Class 1 or Class 5 licence; or
 - (B) 21 years of age, in the case of any other class of licence.

(Added by No. 8 of 1979, s. 2. (b).)¹

(2) A provisional driving licence shall relate to one person only.

(3) The holder of a provisional driving licence must not drive on a public street—

- (a) a motor vehicle other than a motor cycle, unless there is displayed conspicuously and so as to be clearly visible at the front and the rear respectively, of the vehicle; or
- (b) a motor cycle, unless there is displayed conspicuously and so as to be clearly visible at the rear of the motor cycle,

a sign issued or authorized by the Superintendent, showing the letter "P" in red on a white background.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

(4) Where the holder of a provisional driving licence is convicted of an offence referred to in Schedule 2, the Superintendent may—

- (a) cancel the licence; and
- (b) specify the time that will elapse before he may apply for a further provisional driving licence.

(5) A person who wishes to apply for a further provisional driving licence in accordance with Subsection (4)(b) shall—

- (a) make a new application for a provisional driving licence; and
- (b) pay the further fee prescribed by Schedule 10; and
- (c) satisfy the Superintendent that he is capable of driving, with safety to the public, the class or classes of motor vehicle intended to be specified in the licence.

5. Licences.

(1) Subject to the payment of fees in accordance with Schedule 10 and Section 159, and to Section 7 and any other provision of this Regulation and any other law, the Superintendent may grant a licence, in Form 5, of a particular class to a person who satisfies him that—

- (a) he is capable of driving, with safety to the public, motor vehicles of the class intended to be specified in the licence; and
- (b) he has previously held, for a period of not less than 12 months—
 - (i) a driving licence; or
 - (ii) a foreign driving licence,
 to drive a motor vehicle of the class intended to be specified in the licence; and

¹See footnote to definition "places to which this subsection applies".

(c) subject to Section 6, he is not less than—

- (i) 17 years of age, in the case of a proposed Class 1 or Class 5 driving licence; or
- (ii) 21 years of age, in the case of any other class of driving licence.

(2) A licence shall relate to one person only.

6. Extension of age.

(1) Where the Superintendent is satisfied that special circumstances exist that justify the granting or renewing of a driving licence to a person who—

- (a) is under the age specified in Section 4(1)(b) or 5(1)(c); and
- (b) is otherwise qualified to hold a licence of the relevant class,

he may grant or renew the licence.

(2) A driving licence granted or renewed in accordance with Subsection (1) may be made subject to any conditions and restrictions that the Superintendent thinks proper to impose in the interests of safety.

7. Certificates of competency.

(1) Subject to Subsection (3) a licence may not, and a provisional licence shall not, be granted to an applicant unless—

- (a) the certificate of competency on Form 2 has been completed by a member of the Police Force; and
- (b) the applicant has, if required, passed an eyesight test, tested with standard Snellens Test Type at a distance of 6m.

(Replaced by No. 8 of 1979, s. 4.)

(2) In an eyesight test for the purposes of Subsection (1)(b)—

- (a) each eye shall be tested separately; and
- (b) the minimum standard vision required is that if one eye is less than 6/60 vision or sightless—
 - (i) the other can be corrected by glasses to 6/12; or
 - (ii) each eye can be corrected by glasses to 6/18.

(3) If an applicant—

- (a) has not apparent physical disability that, in the opinion of the Superintendent, would affect his control of a motor vehicle; and
- (b) holds, or has held within the preceding 12 months, a driving licence issued in Australia, the Dominion of New Zealand or Fiji,

the Superintendent may exempt him from the driving and eyesight test.

8. Period of licences.

(1) Unless sooner cancelled or suspended, a driving licence, or a renewal of a driving licence, remains in force for a period of 12 months.

(1A) In a place to which this subsection applies and subject to Subsection (4), unless sooner cancelled or suspended a licence to drive a motor vehicle or renewal of such a licence shall be in force for three years from and including the date of issue¹.

¹See footnote to definition "places to which this subsection applies".

(2) Subject to the payment of fees in accordance with Schedule 10 and Section 159, the Superintendent may from time to time renew, for a period of 12 months, a driving licence other than a provisional licence.

(2A) In the places to which this Subsection applies, subject to the payment of fees in accordance with Schedule 10 and Section 159, the Superintendent may renew a licence issued under Section 5(1) for a period of three years¹.

(3) The renewal of a driving licence takes effect on the day immediately following the day on which the licence, or the previous renewal of the licence, as the case may be, expired.

(3A) In a place to which this subsection applies, a renewal of a licence to drive a motor vehicle where application for renewal is made before the expiration of that licence shall be in force from and including the day immediately following the day on which the licence expires¹.

(4) In a place to which this subsection applies, where an application for the renewal of a licence to drive a motor vehicle is made during the 42 days following the expiration of that licence the Superintendent may renew the licence for a period starting on the date of receipt of the application and ending three years after the date when the previous licence expired¹.

(Amended by No. 8 of 1979, s. 2(a) and 7.)

9. Wearing of spectacles.

(1) A person who, while being tested for a driving licence, wears spectacles must wear spectacles while driving a motor vehicle.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

(2) A driving licence issued to a person who, while being tested, wears spectacles shall be endorsed with, or bear on its front, the word "Spectacles."

(3) The holder of a driving licence referred to in Subsection (2) who is found driving without spectacles shall be deemed to be driving without a licence.

10. Transferability of licences.

A driving licence is not transferable.

11. Medical examinations.

The Superintendent may request—

- (a) an applicant for the grant or renewal of a driving licence; or
- (b) a holder of a driving licence,

to obtain a certificate signed by a medical practitioner to the effect that—

- (c) he has, on the date of the certificate, personally examined the applicant or holder, as the case may be, knowing him to be—
 - (i) an applicant for the grant or renewal of the licence; or
 - (ii) the holder of the licence,
- as the case may be; and

¹See footnote to definition "places to which this subsection applies".

- (d) in his opinion, having all proper regard to the safety of the public generally, the applicant or holder, as the case may be, is medically a fit and proper person to act as a driver of a motor vehicle,

or the Superintendent may request that such a certificate be obtained from a medical practitioner specified by the Superintendent.

12. Foreign licences.

(1) Notwithstanding this Regulation, a foreign driving licence shall, so long as it is in force, be deemed to be equivalent to, and be accepted in place of, a driving licence under this Regulation for the purpose of authorizing the holder to drive in Papua New Guinea any vehicle of the type or class to the driving of which the foreign licence applies—

- (a) on the conditions subject to which the foreign licence was issued; and
- (b) for a period of six months from and including the date of entry into Papua New Guinea of the holder.

(2) Subsection (1) applies only where the holder of a foreign driving licence—

- (a) usually resides outside Papua New Guinea and is temporarily in Papua New Guinea; and
- (b) has not been given notice by the Superintendent under Subsection (3) that his foreign licence is not acceptable in place of a Papua New Guinea driving licence; and
- (c) is not otherwise disqualified from obtaining or holding a driving licence in Papua New Guinea.

(3) The Superintendent may at any time—

- (a) by written notice served on the holder of a foreign driving licence; and
- (b) by endorsement to that effect on the licence,

cancel the acceptance of a foreign driving licence in accordance with Subsection (1) if—

- (c) in the opinion of the Superintendent, having regard to the safety of the public generally, it is not desirable that the person should be allowed to drive a motor vehicle; or
- (d) the person—
 - (i) has, in the opinion of the Superintendent, any mental or physical disability that is likely to affect his efficiency in driving a motor vehicle, having regard to the safety of the public generally; or
 - (ii) is, in the opinion of the Superintendent, otherwise not fit to drive a motor vehicle; or
 - (iii) has been convicted of an offence in connexion with the driving of a motor vehicle.

(4) The holder of a foreign driving licence must—

- (a) while driving a motor vehicle, carry the licence; and
- (b) produce the licence on request by a member of the Police Force.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

PART III.—REGISTRATION OF VEHICLES.

13. Application for registration, etc.

(1) An application for the registration, or for the renewal or transfer of the registration, of a motor vehicle shall be made to the Superintendent in Form 7 or 8, as the case requires.

(1A) A certificate of roadworthiness shall be in Form 8A. (*Added by No. 34 of 1977, s. 2.*)

(2) On receipt of an application under Subsection (1), the Superintendent may, by written notice to the applicant, require him to attend at the office of the Superintendent on a date specified in the notice.

(Amended by No. 62 of 1975, s. 2.)

13A. Certificate of roadworthiness.

(1) *(Repealed by No. 20 of 1981, s. 1.)*

(2) A motor vehicle shall not be registered, and a registration shall not be renewed or transferred, under this Regulation unless there is produced at the time of the application for registration, or renewal or transfer of registration, a certificate of roadworthiness issued within seven days immediately before the making of that application in respect of that vehicle.

(Added by No. 34 of 1977, s. 4.)

14. Registration.

(1) Subject to the payment of fees in accordance with Schedule 10 and Section 159, and to any other provision of this Regulation, the Superintendent may—

- (a) register a motor vehicle in any class if he is satisfied that it complies with the requirements of Part II. of Schedule 3 in relation to vehicles of that class; and
- (b) issue a certificate of registration in Form 9 accordingly.

(2) Subject to such conditions as he thinks proper, the Superintendent may exempt a vehicle from any of the requirements of Part II. of Schedule 3.

(3) The Superintendent may refuse to register a vehicle that he thinks would be, by reason of its condition, design or construction, a source of danger or annoyance to the public.

(4) A certificate of registration shall relate to a single vehicle only.

15. Registration in cases of joint ownership.

Registration of a motor vehicle on behalf of a partnership or company may be applied for by, or granted to, any member of the partnership, or the secretary or manager of the company, as the case may be.

16. Period of registration.

(1) Unless sooner cancelled or suspended, the registration, or the renewal of the registration, of a motor vehicle remains in force for a period of 12 months.

(2) Subject to the payment of fees in accordance with Schedule 10 and Section 159, the Superintendent may from time to time renew the registration of a motor vehicle for a period of 12 months.

(3) The renewal of the registration of a motor vehicle takes effect on the day immediately following the day on which the registration, or the previous renewal of the registration, as the case may be, expired.

17. Production of vehicle on registration, etc.

(1) Subject to Subsection (2), where application is made for the registration or the renewal of registration of a motor vehicle the vehicle shall be produced as directed by the Superintendent.

(2) Where because of distance from a Motor Vehicles Registry or other cause the production of a vehicle for renewal of registration is, in the opinion of the Superintendent, unreasonable or impracticable, he may, on production of evidence of the condition of the vehicle and its fitness for registration, renew the registration without production of the vehicle.

18. Registration labels.¹

(1) The Superintendent may issue in respect of each registered motor vehicle a registration label containing—

(a) the registered number allotted to the vehicle; and

(b) particulars of the registration as set out in Part II. of Schedule 3²,

and may issue a further registration label each time the registration is renewed.

(2) Within seven days after the registration of a motor vehicle, the owner of the vehicle must cause the registration label to be affixed to it in accordance with Part II. of Schedule 3².

(3) A person who drives or permits to be driven a registered motor vehicle in a public street without having a current registration label, clearly legible, attached to the vehicle in accordance with this Regulation is guilty of an offence.

Penalty: A fine not exceeding K20.00.

¹See, also, Section 90(3).

²Sic.

19. Number-plates.

(1) Within seven days after the registration of a motor vehicle, the owner of the vehicle must cause a number-plate supplied to him by the Superintendent, containing the registered number allotted to the vehicle to be affixed to the vehicle in accordance with Part II. of Schedule 3.

(2) Where the figures on a number-plate become defaced so that the number is not easily legible, the owner of the motor vehicle must notify the Superintendent.

(3) When the Superintendent receives a notification under Subsection (2), he shall supply the owner of the vehicle with a new number-plate, and the owner shall pay in respect of the defaced number-plate the fee prescribed by Schedule 10.

(4) Within seven days after the receipt of a new number-plate, the owner of the motor vehicle to which it relates must—

- (a) affix it to the motor vehicle in place of the defaced number-plate; and
- (b) return the defaced number-plate to the Superintendent.

(5) Subject to Subsection (6) and to any other Act, the owner of a motor vehicle must not cause or permit any number, other than its registered number, to be on the vehicle.

(6) Subject to Section 25, a visiting motor vehicle may bear the number-plate issued for it under the law of the country from which it comes.

(7) The driver of a motor vehicle who permits anything to be placed on or attached to the motor vehicle in such a manner as to hide or make indistinct any lettering or figures on the number-plate is guilty of an offence.

Penalty: A fine not exceeding K20.00.

19A. Form of number-plates.

(1) A number-plate for a motor vehicle issued under this Regulation shall bear—

- (a) for the official vehicle of the Governor-General—a gold crown on a red background; and
- (b) for the official vehicles of Ministers of the National Parliament—the letters “MP” in red, and two numerals in black, on a white background; and
- (c) for the official vehicles of members of the Diplomatic Corps—the letters “DC” followed by three numerals, in white on a maroon background; and
- (d) for the official vehicles of members of the Consular Service—the letters “CC” followed by three numerals, in white on a black background; and
- (e) for vehicles owned by the State including—
 - (i) the Defence Force; and
 - (ii) the Police Force; and
 - (iii) any State instrumentality and statutory body, three letters and three numerals in series commencing with “ZAA000” and ending with “ZZZ999”, having the first letter in red and the remaining letters and numerals in black, on a white background; and
- (f) for trader’s plates—the letters “TT” followed by three numerals, in red on a white background; and
- (g) for taxi plates—the letter “T” followed by four numerals, in black on a yellow background; and

- (b) for public motor vehicles—the letter “P” followed by four numerals, in black on a blue background; and
- (i) for privately owned motor vehicles—three letters followed by three numerals, in black on a white background; and
- (j) for motor cycles—two letters and three numerals, in black on a white background.

(2) Except as provided by this Regulation or under any other law, a person shall not drive a motor vehicle having on it a number-plate other than one prescribed under Subsection (1).

(Added by No. 34 of 1977, s. 5.)

20. Transferability of number-plates and registration labels.

(1) The owner of a motor vehicle must not transfer, or permit to be transferred, to another motor vehicle a number-plate or registration label issued for the first-mentioned vehicle.

(2) A person who, except as provided in this Regulation, drives a motor vehicle that has on it a number-plate or registration label other than the one currently issued for it is guilty of an offence.

Penalty: A fine not exceeding K50.00.

21. Alterations in descriptions of registered vehicles.

(1) Where an alteration affecting the accuracy of any particulars of the description in the certificate of registration of a motor vehicle has been made to the vehicle, the owner must immediately forward to the Superintendent—

- (a) the certificate of registration; and
- (b) the particulars of the alteration.

Penalty: A fine not exceeding K50.00.

Default penalty: A fine not exceeding K10.00.

(2) The Superintendent shall note the alteration on the certificate and return it to the owner.

(3) Where a motor cycle is registered for use without a side-car, an alteration in the certificate to allow it to be used with a side-car must not be made unless the fee prescribed by Schedule 10 is paid.

Penalty: A fine not exceeding K20.00.

22. Incorrectly described vehicles.

A person who drives, or permits a person to drive, on a public street a motor vehicle that differs in a material particular from the description appearing in its certificate of registration is guilty of an offence.

Penalty: A fine not exceeding K50.00.

23. Sale, etc., of vehicles.

(1) A person who sells or otherwise disposes of a registered motor vehicle for, or on behalf of, the owner or any other person must forward to the Superintendent within seven days—

- (a) the certificate of registration of the vehicle; and
- (b) a written authority from—
 - (i) the owner; or
 - (ii) a person entitled to dispose of the vehicle, to transfer the registration of the vehicle; and
- (c) the full name and address of the person to whom the vehicle has been sold or disposed of.

Penalty: A fine not exceeding K50.00.

Default penalty: A fine not exceeding K10.00.

(2) An owner who sells or disposes of his motor vehicle must, within 14 days after the sale or disposal, give written notice to the Superintendent of—

- (a) the sale or disposal; and
- (b) if the purchaser, or the person to whom the owner disposes of the vehicle, resides or carries on business in the country—the name and address of the purchaser or of that person, as the case may be,

and must at the same time deposit with or forward to the Superintendent the certificate of registration of the motor vehicle.

Penalty: A fine not exceeding K50.00.

Default penalty: A fine not exceeding K10.00.

(3) Until Subsection (2) is complied with, the person in whose name the motor vehicle is registered is liable as owner for any breach, in respect of the motor vehicle, of the provisions of this Regulation that apply to the owner.

(4) A person to whom a motor vehicle is sold or disposed of must, within 14 days after the purchase or disposal of the vehicle, apply to the Superintendent to have the registration of the vehicle transferred to him.

Penalty: A fine not exceeding K20.00.

(5) If the Superintendent approves the transfer of the registration of a motor vehicle, he shall, on payment by the applicant of the fee prescribed by Schedule 10, issue to him a certificate of transfer of registration in Form 10.

(6) A certificate of transfer issued under Subsection (5) shall be deemed to be the certificate of registration of the motor vehicle.

24. Production of registered vehicles for inspection.

(1) The Superintendent may at any time, by written notice, direct that a registered motor vehicle be produced by the owner, or the person in whose possession it is, for inspection at a time and place specified in the notice.

(2) A person who fails to produce a motor vehicle in accordance with a direction under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K50.00

Default penalty: A fine not exceeding K10.00.

25. Visiting motor vehicles.

(1) Within 48 hours after the vehicle arrives in Papua New Guinea, the owner or driver of a visiting motor vehicle may apply to the Superintendent or an Inspector of Motor Traffic for a visiting motor vehicle permit.

(2) When the Superintendent or an Inspector of Motor Traffic receives an application under Subsection (1), he may issue a visiting motor vehicle permit for a period of not more than six months from the date of the issue of the permit.

(3) If the owner or driver of a visiting motor vehicle holds a licence under the laws of the country from which the motor vehicle comes corresponding to the licence that, but for this section, he would be required to hold under this Regulation, he shall be deemed to hold the corresponding licence under this Regulation.

(4) If a visiting motor vehicle remains in Papua New Guinea for a period exceeding six months—

(a) it shall be deemed to have ceased to be a visiting motor vehicle; and

(b) the owner or driver of the vehicle must apply immediately for registration of the vehicle under this Regulation before continuing to use it on a public street.

Penalty: A fine not exceeding K50.00.

Default penalty: A fine not exceeding K10.00.

PART IIIA.—AUTHORIZED INSPECTION STATIONS.

(Added by No. 34 of 1977, s. 7.)

25A. Declaration of authorized inspection stations.

The Superintendent may, by notice in the National Gazette, declare—

(a) the premises of a motor vehicle distributor; or

(b) a fully equipped motor vehicle repair workshop; or

(c) any other premises,

to be an authorized inspection station for the purposes of this Regulation.

25B. Certificate of roadworthiness.

(1) In this section—

“the appropriate charge” means a charge fixed by the owner of an authorized inspection station not being greater in respect of any vehicle than the prescribed fee in respect of that vehicle;

“the prescribed fee”, in respect of any vehicle, means the fee specified in Part I of Schedule 11 in respect of that vehicle.

“to operate” in respect of a motor vehicle, means—

- (a) to use, drive or ride; or
- (b) permit the use, driving or riding; or
- (c) permit it to be,
on a public street.

(2) The owner or operator of an authorized inspection station, either by himself or by a competent person acting on his behalf—

- (a) shall, on payment of the appropriate charge, examine and test a vehicle presented at the station for examination and testing; and
- (b) shall, if he is satisfied that the vehicle conforms with the requirements of the Act, on payment of the fee specified in Schedule 11, issue to the person presenting the vehicle—
 - (i) a certificate of roadworthiness in Form 8A; and
 - (ii) a safety sticker in Form 10A.

(3) The examination and testing shall be conducted in such manner as is directed by the Superintendent, and for that purpose, the owner of an authorized inspection station shall provide and maintain in a serviceable condition such equipment and facilities as are required by the Superintendent to be used in connexion with the examination and testing of vehicles.

(4) A person aggrieved by the refusal of or failure to issue a certificate of roadworthiness in respect of a vehicle may appeal to the Minister responsible for transport matters who may—

- (a) arrange for the examination and testing of the vehicle; and
- (b) for the purpose of any such examination and testing—arrange to make use at all reasonable times of the equipment and facilities of the authorized inspection station; and
- (c) authorize the grant or refusal of a certificate of roadworthiness; and
- (d) where a certificate of roadworthiness is granted under Paragraph (c)—authorize the issue of a safety sticker.

(5) Where, after payment of the prescribed fee and examination of a vehicle, the issue of a certificate of roadworthiness is refused by the owner of an authorized inspection station, he shall not charge an additional fee for any subsequent examination or examinations and testing of that vehicle at that service station for the purpose of the issue of a certificate during a period of 30 days from the date the vehicle was first presented for examination and testing.

(6) The person to whom a safety sticker is issued under this section shall ensure that it is immediately affixed to the windscreen of, or in another conspicuous location on, the

vehicle in such manner that it shall remain displayed in that position for the period for which the certificate of roadworthiness is current.

(7) Where a certificate of roadworthiness or a safety sticker is lost, defaced or destroyed, a replacement may be issued on payment of the fee specified in Part 2 of Schedule 11, which is current for the period of the certificate in respect of which the replacement is issued.

(8) A certificate of roadworthiness issued under this Part shall remain in force for six months.

(9) Subject to Subsection (11), the owner of a vehicle who operates the vehicle without a current certificate of roadworthiness having been issued in respect of it is guilty of an offence.

Penalty: A fine not less than K50.00 and not exceeding K100.00.

(10) Subject to Subsection (11), a person who operates a vehicle on a public street that does not have affixed to it a current safety sticker in accordance with this section is guilty of an offence.

Penalty: A fine not less than K25.00 and not exceeding K100.00.

(11) It is a defence to a charge under Subsection (9) or (10) if the person charged proves to the satisfaction of the court that the vehicle was being operated solely for the purpose of obtaining a certificate of roadworthiness and a safety sticker.

(Replaced by No. 20 of 1981, s. 3.)

25C. Duties of owners of authorized inspection stations.

(1) The owner or operator of an authorized inspection station who fails to—

- (a) display at all times in a prominent position at or near the inspection station a sign bearing only the words "Authorized Inspection Station" in legible letters not less than 50 mm in height, in the English language and such other language or languages as are directed by the Superintendent; and
- (b) provide at all reasonable times during ordinary working hours courteous and efficient service for persons presenting vehicles for examination and testing for roadworthiness; and
- (c) ensure that close supervision is kept over all persons engaged in examining and testing vehicles for roadworthiness; and
- (d) advise the Superintendent of any change or proposed change of name, location or ownership of the authorized inspection station; and
- (e) maintain such records and furnish such returns and information as to examinations and tests conducted by him as are reasonably required by the Superintendent,

is guilty of an offence.

Penalty: A fine of not less than K50.00 and not exceeding K200.00.

(2) The owner or operator of an authorized inspection station who—

- (a) solicits a person (otherwise than by means of a public advertisement or by means of the sign referred to in Subsection (1)(a))—
 - (i) to have his vehicle examined and tested for roadworthiness at the authorized inspection station; or

- (ii) to have made at the authorized inspection station any repairs or adjustments to his vehicle shown to be necessary or desirable by an examination or test for roadworthiness; or
 - (b) represents to any person that any repair or adjustments to a vehicle shown to be necessary or desirable by an examination or test for roadworthiness are required to be made at the authorized inspection station,
- or permits any other person to so solicit or represent, is guilty of an offence.

Penalty: A fine of not less than K50.00

- (3) The owner or operator of an authorized inspection station who—

- (a) makes any false statement or misrepresentation; or
- (b) wilfully furnishes false or misleading information; or
- (c) issues a certificate of roadworthiness in respect of a vehicle without first examining and testing that vehicle in accordance with this Regulation,

is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months or both.

25D. Inspection.

- (1) The Superintendent may, at all reasonable times—

- (a) enter and inspect an authorized inspection station and the equipment and facilities in the station; or
- (b) inspect and take copies from or extracts of any records maintained in accordance with Section 25C(1)(e); or
- (c) require any person to give any information or to produce any document in his possession or under his control relating to the conducting of examinations and tests for roadworthiness.

- (2) A person who—

- (a) hinders or obstructs an Inspector of Motor Traffic in the exercise or performance of his powers or functions under this Regulation; or
- (b) refuses or fails to comply with a requirement under Subsection (1), or knowingly gives false or misleading information in answer to such a requirement,

is guilty of an offence.

Penalty: A fine of not less than K50.00 and not exceeding K100.00.

Default penalty: A fine not exceeding K20.00.

25E. Revocation of declaration.

- (1) The Superintendent may, after 14 days written notice to the occupier of premises declared to be an authorized inspection station under Section 25A, by notice in the National Gazette, revoke the declaration under that section.

- (2) Any person aggrieved by a revocation of a declaration under Subsection (1) may appeal to the Minister responsible for transport matters whose decision is final.¹

¹But see, Constitution, Section 155.

PART IV.—PERMITS TO DRIVE UNREGISTERED VEHICLES.

26. Permits under Act, Section 11.

(1) An application for a permit under Section 11 of the Act shall be made to the Superintendent in Form 11.

(2) A permit under Section 11 of the Act shall be in Form 12.

(3) A permit under Section 11 of the Act does not authorize the driving of the vehicle the subject of the permit within a town except for the purpose of—

(a) removal to a workshop for repairs; or

(b) return from a workshop where repairs were carried out; or

(c) delivery on acquisition or on sale or disposal.

(4) The fee for a permit under Section 11 of the Act is as prescribed by Schedule 10.

PART V.—PUBLIC MOTOR VEHICLES.

Division 1.—General.

(Replaced by No. 34 of 1977, s. 6.)

Subdivision A.—Preliminary.

27. Interpretation of Divisions 1 and 2.

In Divisions 1 and 2, unless the contrary intention appears—

“passenger” means—

- (a) any person of the age of eight years or older; and
- (b) any two children over the age of four years but below the age of eight years, who together shall be counted as a single passenger for the purposes of Divisions 1 and 2;

“permit” means a permit issued under Section 33B and includes a renewal of that permit;

“public motor vehicle licence” means a licence issued under Section 29 and includes a renewal of that licence;

“special registration label” means a special registration label issued under Section 31(1)(b).

Subdivision B.—Licensing of Public Motor Vehicles.

28. Application for public motor vehicle licence.

(1) The owner or operator of a vehicle may apply to the Superintendent for a licence, or a renewal of a licence, to operate that vehicle as a public motor vehicle.

(2) An application under Subsection (1) shall be in Form 13 and shall be accompanied—

- (a) by a current certificate of registration in respect of the vehicle; and
- (b) by a certificate of roadworthiness issued within seven days before the making of the application; and
- (c) by—
 - (i) a certificate under Section 354M; or
 - (ii) an interim certificate under Section 354N(a), of the *Income Tax Act* 1959 in respect of the applicant for the year ending 31 December immediately preceding the date of the application; and
- (d) by the prescribed fee as specified in Schedule 10, which is in addition to any prescribed fee for the registration of the vehicle.

(Amended by No. 22 of 1984, s. 1.)

29. Issue of public motor vehicle licence.

(1) Subject to this Division and to any directions given by the Board, the Superintendent may issue to a person making application under Section 28 a public motor vehicle

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licence in Form 14 in respect of the vehicle the subject of the application on being satisfied—

- (a) that the vehicle is so constructed as to be safely operated as a public motor vehicle; and
- (b) that it is roadworthy; and
- (c) that it is currently registered under this Regulation; and
- (d) that the applicant is a fit and proper person to operate a public motor vehicle; and
- (e) that the certificate under Section 354M of the *Income Tax Act* 1959 or the interim certificate under Section 354N(a) of that Act are in order,

and the licence may be issued subject to such conditions as to the area in which the vehicle may be operated, the routes over which it may be operated, the places where the vehicle

may pick up and set down passengers and (having regard to Schedule 8) the number of passengers that may be carried, as the Superintendent thinks fit and specifies in the licence.

(2) The Superintendent may, from time to time, renew the licence for a period at any one time not exceeding six months provided that, prior to renewal, the licence holder exhibits to him a certificate under Section 354M of the *Income Tax Act* 1959 in respect of the licence holder for the year ending 31 December immediately preceding the date of request for renewal.

(3) Subject to Sections 33 and 33O, a public motor vehicle licence shall remain in force for a period of six months from the date of issue or renewal.

(Amended by No. 22 of 1984, s. 2.)

30. Construction of public motor vehicles.

(1) A public motor vehicle licence shall not be issued under this Division in respect of a vehicle unless the vehicle is so constructed as to comply with—

- (a) Schedule 3A and this section; and
- (b) such other conditions as determined by the Board and published in the National Gazette.

(2) Where the vehicle in respect of which a public motor vehicle licence is sought is a truck or semi-trailer—

- (a) the seating may be in a transverse, perimeter or combination, arrangement as approved by the Superintendent; and
- (b) where the seating is arranged transversely there shall be an aisle not less than 40 cm; and
- (c) where the seats face one another, the shortest distance between the inside back of one seat and that of the opposite seat shall be not less than 1.2 m; and
- (d) the seats shall, to the satisfaction of the Superintendent—
 - (i) be securely fastened to a solid floor mounting; and
 - (ii) be capable of withstanding accidental impact; and
 - (iii) be fitted with adequate back supports; and
- (e) folding or fixed steps shall be available for access to the vehicle.

(3) Subject to Subsection (4), a public motor vehicle licence shall not be issued that authorizes the carriage of more than 18 passengers, unless the vehicle in respect of which it is issued is equipped with dual rear wheels.

(4) The Superintendent may, by written notice, permit the carriage of more than 18 passengers in a vehicle that is not equipped with dual rear wheels.

(5) A public motor vehicle licence shall not be issued that authorizes the carriage of more than 25 passengers without the prior written approval of the Superintendent.

31. Issue of number-plates, etc.

(1) The Superintendent shall at the time of issuing the public motor vehicle licence, issue to the licensee—

- (a) the prescribed number-plates; and
- (b) a special registration label in Form 15.

(2) The person to whom a public motor vehicle licence is issued shall, as soon as practicable after receiving them, securely affix to the public motor vehicle and at all times while the public motor vehicle licence is current keep so affixed—

- (a) in respect of the prescribed number-plate—one at the front and one at the rear of the vehicle so that each is clearly visible both during the day and night; and
- (b) in respect of the special registration—that the writing is clearly visible from outside the vehicle.

(3) Where the number-plates issued under Subsection (1) are not promptly affixed to the public motor vehicle in respect of which they are issued, the person to whom they are issued is guilty of an offence.

Penalty: A fine of not less than K20.00 and not exceeding K100.00.

(4) The person to whom a public motor vehicle licence is issued shall cause to be painted on the driver's side door in letters not less than 6 cm high—

- (a) the name and address of the holder of the public motor vehicle licence; and
- (b) the area or route of operation specified on the public motor vehicle licence; and
- (c) the number of passengers the vehicle is licensed to carry,

and shall at all times during the currency of the licence keep the letters conspicuous, legible and undefaced.

32. Cancellation of public motor vehicle licence.

A public motor vehicle licence shall be deemed to be cancelled if—

- (a) the registration certificate in respect of the vehicle is cancelled or suspended under this Regulation; or
- (b) the vehicle is found to be unroadworthy under this Regulation; or
- (c) the licensee surrenders the licence to the Superintendent; or
- (d) the licensee dies.

Subdivision C.—Driving Permits.

33. Only permit holder to drive public motor vehicle.

A person must not drive a public motor vehicle, and a holder of a public motor vehicle licence must not permit a person to drive a public motor vehicle in respect of which he is the licensee, unless that person is the holder of a current permit issued under this Division.

Penalty: A fine of not less than K50.00 and not exceeding K100.00.

33A. Application for permit to drive public motor vehicle.

A person may apply to the Superintendent in Form 15A for a permit to drive a public motor vehicle, and the application shall be accompanied by—

- (a) the applicant's current driving licence; and
- (b) the prescribed fee.

33B. Issue of permit.

(1) The Superintendent may issue to an applicant under Section 33A a permit to drive a public motor vehicle, licensed to carry the number of passengers indicated in the permit on being satisfied—

- (a) that the applicant holds a current Class 2, Class 3, Class 4 or Class 6 driving licence (other than a provisional licence); and
- (b) the applicant is a fit and proper person to drive a public motor vehicle.

(2) A permit under this section shall—

- (a) be in Form 15B; and
- (b) bear a photograph of the person to whom it is issued; and
- (c) not be transferable; and
- (d) unless sooner suspended or cancelled under this Regulation—be in force for a period of three years from and including the date of issue.

(3) The Superintendent may, on the application of the permittee and payment of the prescribed fee, renew the permit for a period not exceeding three years.

33C. Cancellation of permit.

(1) The Superintendent may, at any time, on the recommendation of the Board, cancel a permit if he or it is of the opinion that the holder of the permit is, by reason of his behaviour whilst driving a public motor vehicle, his driving record or his state of health, no longer a fit and proper person to hold such a permit.

(2) A permit shall be deemed to be cancelled—

- (a) if the person to whom it is issued ceases to hold a current Class 2, Class 3, Class 4 or Class 6 driving licence (whether the licence has expired, is cancelled or is suspended); or
- (b) if the public motor vehicle to which the permit relates ceases to be a licensed public motor vehicle under this Division or, where the permit relates to more than one such vehicle, if each of them ceases to be so licensed; or
- (c) if the permit is suspended under Section 33O—for the period of that suspension.

(3) A person whose permit is cancelled or deemed to be cancelled under this section must, within seven days of being notified of the cancellation or within seven days of the occurrence of the event by which the permit is deemed to be cancelled, as the case may be, return the permit to the Superintendent.

Penalty: A fine of not less than K20.00 and not exceeding K100.00.

Subdivision D.—Dealing with Public Motor Vehicles.**33D. Application of Subdivision D.**

The provisions of this Subdivision shall apply in addition to, and shall not be construed as derogating from, any other provision of this Regulation relating to the sale, transfer or disposal of a registered vehicle.

33E. Sale or disposal of public motor vehicle.

(1) Before the sale, transfer or disposal of a public motor vehicle takes place, the person who holds the public motor vehicle licence in respect of that vehicle must remove

its number-plates and return them, within 24 hours of their removal, together with the public motor vehicle licence, to the Superintendent.

(2) A person who enters into an agreement (whether or not in writing) to sell, exchange or transfer a public motor vehicle before the number-plates and licence have been dealt with in accordance with Subsection (1), is guilty of an offence.

(3) Where a person sells, transfers or otherwise disposes of a public motor vehicle, he must, before parting with possession of the vehicle, present it to the Superintendent, or an Inspector of Motor Traffic, who shall ensure that the special registration label issued in respect of that vehicle is removed or defaced.

(4) Where a licensed public motor vehicle is repossessed under the *Hire-purchase Act*, within seven days of the repossession—

(a) the person repossessing the vehicle must—

(i) remove the number-plates and deposit them with the Superintendent; and

(ii) present the vehicle to the Superintendent or an Inspector of Motor Traffic who shall ensure that the special registration label issued in respect of that vehicle is removed or defaced; and

(b) the holder of the public motor vehicle licence in respect of that vehicle must notify the Superintendent in writing that the vehicle has been repossessed.

Penalty: A fine of not less than K50.00 and not exceeding K100.00.

Division 2.—Offences and Penalties.

(Replaced by No. 34 of 1977 s. 6.)

33F. Public motor vehicle licence to be produced.

The holder of a public motor vehicle licence who refuses or fails to produce the licence to a member of the Police Force or an Inspector of Motor Traffic within 24 hours of being required by the member or Inspector to do so, is guilty of an offence.

Penalty: A fine of not less than K50.00 and not exceeding K100.00.

33G. Permit to be carried by driver.

The holder of a permit issued under Division 1 must, at all times while he is driving a public motor vehicle, carry the permit with him and produce it to a member of the Police Force or an Inspector on being required by that member or Inspector to do so.

Penalty: A fine of not less than K20.00 and not exceeding K200.00.

33H. Passengers not to be carried except on certain vehicles.

(1) Subject to this Regulation a person must not carry in a motor vehicle, or permit to be carried on a motor vehicle, more than eight passengers.

Penalty: For a first offence—a fine not exceeding K50.00.

For a second offence—a fine not exceeding K75.00.

For a subsequent offence—a fine not exceeding K100.00.

(2) Where a motor vehicle carries more than eight passengers, the burden of proof of whether or not those passengers are carried for hire or reward is on the owner and driver jointly.

(3) Where the owner or driver has been convicted of an offence against Subsection (1) on more than two occasions in respect of the same vehicle, the Superintendent, provincial government body or Area Authority that issued the licence may, on the recommendation of the Board, cancel the licence and the Superintendent may suspend the certificate of registration of the vehicle for a period not exceeding three months.

(4) The Superintendent may, on the recommendation of the Board, by written notice, on the application of the owner or operator of a vehicle, grant an exemption from the provisions of Subsection (1).

(5) An exemption under Subsection (4) may apply to vehicles carrying members of the Disciplined Forces, fire brigade, ambulance, provincial government bodies, Area Authorities and Local Government Councils.

(6) An application for an exemption from the provisions of Subsection (1) may be made—

- (a) by a business for the purpose of transporting its employees without charge; and
- (b) by a vehicle owner to transport members of his immediate family; and
- (c) in respect of a village-owned vehicle that does not ply for hire or reward—for the purpose of transporting members of the community owning the vehicle.

(7) For the purposes of Subsection (6)(b), "members of his immediate family" include the owner's spouse, children, parents and parents of his spouse.

(8) This section shall not be construed as permitting the carriage on a motor vehicle of fare paying passengers.

33I. Permitted number of passengers.

Where a public motor vehicle carries a greater number of passengers than the number specified in the licence issued in respect of that vehicle as the maximum number permitted to be carried—

- (a) the driver of that vehicle; and
- (b) the person who holds the public motor vehicle licence in respect of that vehicle,

are both guilty of an offence.

Penalty: A fine of not less than K20.00 and not exceeding K100.00.

33J. Passengers not to stand.

(1) Subject to Subsection (3), a person who drives or permits to be driven a public motor vehicle in a public street whilst any person is standing in that public motor vehicle is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) Subject to Subsection (3), a person who stands in a public motor vehicle whilst it is being driven in a public street is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(3) The Board may, where it thinks fit in respect of certain types of vehicles, by written notice permit persons to stand in a public motor vehicle.

33K. Carriage of goods.

A person who drives or permits to be driven in a public street, without the prior written permission of the Board, a public motor vehicle with passengers' effects or any other goods placed on the top of the cabin or canopy of that vehicle is guilty of an offence.

Penalty: A fine not exceeding K100.00.

33L. Use of unlicensed vehicle.

(1) Where—

(a) the owner or operator of a vehicle that is not licensed as a public motor vehicle permits—

(i) the number-plates that were issued; or

(ii) any special registration label that was issued,

in respect of a public motor vehicle, to be affixed to his vehicle; or

(b) a person drives a vehicle that is not licensed as a public motor vehicle having on it a number-plate or a special registration label, that was issued in respect of a public motor vehicle,

he is guilty of an offence.

Penalty: A fine not less than K50.00 and not exceeding K100.00.

(2) A court that convicts a person referred to in Subsection (1)(b) of an offence under that subsection may, in addition to imposing a penalty provided for in that subsection, suspend for a period of up to six months any licence to drive a vehicle issued to that person under this Régulation.

33M. Trailers not to be towed.

Except with the written approval of the Board, a person who drives or permits to be driven a public motor vehicle while that vehicle is towing a trailer, is guilty of an offence.

Penalty: A fine of not less than K50.00 and not exceeding K100.00.

33N. Public motor vehicle to stop at certain places.

(1) The driver of a public motor vehicle who operates the public motor vehicle for the purpose of picking up or setting down passengers on any route other than the route for which that public motor vehicle is licensed to operate under Section 29, is guilty of an offence.

(2) The driver of a public motor vehicle who stops the vehicle for the purpose of picking up or setting down passengers except at places where a stopping place sign in Form 15C is erected on the route on which the public motor vehicle is licensed to operate under Section 29, is guilty of an offence.

Penalty: A fine not less than K50.00 and not exceeding K100.00.

33O. Repeated offences by licence holder.

Where the holder of a public motor vehicle licence is convicted of a third or subsequent offence under this Division (whether all or any of those offences relate to the public motor vehicle in respect of which he is currently licensed or any other public motor vehicle) the Superintendent may, on the recommendation of the Board—

(a) cancel the licence; or

(b) suspend the registration of the public motor vehicle for three months.

33P. Repeated offences by permit holder.

Where the holder of a permit is convicted of a third or subsequent offence under this Division (whether all or any of those offences related to the public motor vehicle in respect of which the permit is issued or any other public motor vehicle) the Superintendent may, on the recommendation of the Board, suspend that permit, or any other permit issued to him under Division 1, for a period not exceeding two months and while that permit is so

suspended he shall not be entitled to apply for a permit in respect of any other public motor vehicle.

Division 3.—Motor Hire Cars.

Subdivision A.—Preliminary.

34. Interpretation of Division 3.

In this Division, unless the contrary intention appears—

“certificate of registration” means a certificate of registration—

(a) as a public hire car, granted under Section 36; or

(b) as a private hire car, granted under Section 37;

“licence to drive a hire car” means a driving licence that bears an endorsement referred to in Section 44.

35. Operation of hire cars.

A person must not—

(a) operate or drive on a public street; or

(b) cause or permit to be operated or driven on a public street,

a motor vehicle as a private hire car or a public hire car unless a certificate of registration or a licence under Section 39 has been granted and is in force in respect of the vehicle.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

Subdivision B.—Registration, etc.

36. Registration of public hire cars.

(1) Subject to Subsection (2) and sections 39 and 41, the Superintendent may, at the direction of the Board, grant a certificate of registration as a public hire care in respect of a suitable and appropriate vehicle with a seating capacity of not less than five persons exclusive of the driver, and may renew the certificate from time to time.

(2) Notwithstanding Subsection(1) and subject to Sections 39 and 41, the Superintendent may, at the direction of the Board, where for any reason he considers it desirable, grant a certificate as a public hire car in respect of a suitable and appropriate vehicle with a seating capacity of less than five persons exclusive of the driver, and may renew that certificate from time to time.

(3) A certificate of registration granted in respect of a public hire car, and a renewal of such a certificate—

(a) may be by endorsement on the certificate of registration issued under Section 14(1)(b); and

(b) shall specify the number of passengers that the vehicle may carry.

(4) The fee for a certificate of registration as a public hire car is as prescribed by Schedule 10.

(5) The owner and the driver of a public hire car that carries a number of passengers greater than the number specified in the certificate of registration as the number of passengers that the vehicle may carry are each guilty of an offence.

(6) The owner of a public hire car must cause to be painted on it, in legible letters in a conspicuous place, the number of persons that the vehicle is licensed to carry, in the following form—

“LICENSED TO CARRY PERSONS”.

Penalty: A fine not exceeding K500.00.

(Amended by No. 43 of 1977, s. 1, No. 6 of 1981 and Act No. 4 of 1981, s. 4.)

37. Registration of private hire cars.

(1) The Superintendent, a provincial government body or an Area Authority, may—

(a) at the direction of the Board, grant a certificate of registration as a private hire car in respect of a sedan car with a seating capacity of not less than five persons exclusive of the driver; and

(b) unless the Board directs otherwise, renew the certificate from time to time.

(2) Notwithstanding Subsection (1), but subject to Section 41, the Board may—

(a) where for any special reason it thinks it desirable, direct the Superintendent, that provincial government body or Area Authority, to grant a certificate of registration as a private hire car in respect of a sedan car with a seating capacity of less than five persons exclusive of the driver; and

(b) direct the Superintendent to renew the certificate from time to time.

(3) A certificate of registration granted in respect of a private hire car, and a renewal of such a certificate—

(a) may be by endorsement on the certificate of registration issued under Section 14(1)(b); and

(b) shall specify the number of passengers that the vehicle may carry.

(4) The fee for a certificate of registration as a private hire car is as prescribed by Schedule 10.

(5) The owner and the driver of a private hire car that carries a number of passengers greater than the number specified in the certificate of registration as the number of passengers that the vehicle may carry are each guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by No. 43 of 1977, s. 2 and Act No. 4 of 1981, s. 4.)

38. Transferability of certificates of registration.

A certificate of registration is not transferable except with the consent of the Board.

39. Temporary licences.

(1) The Superintendent, a provincial government body or an Area Authority, may grant a temporary licence for the use of a car for the carriage of passengers for hire for such period not exceeding four days, for such purposes and subject to such conditions as the Superintendent, that provincial government body or Area Authority thinks proper.

(2) At the direction of the Board, the Superintendent, a provincial government body or an Area Authority may grant a temporary licence for the use of a car for the carriage of passengers for hire for such period, for such purposes and subject to such conditions as are approved by the Board.

(3) A licence under this section shall be in Form 16.

(4) The fee for a temporary licence is as prescribed by Schedule 10.

(5) A person who—

(a) uses a motor vehicle in respect of which a licence is granted under this section; or

(b) causes any such vehicle to be used,

otherwise than in accordance with the licence is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by No. 43 of 1977, s. 3 and Act No. 4 of 1981, s. 4.)

40. Qualifications for certificates of registration.

A certificate of registration under this Division shall not be granted or transferred to a person who fails—

(a) to produce evidence that he is—

(i) engaged or about to be engaged—

(A) solely in the business of operating private hire cars or public hire cars, as the case may be; or

(B) in that business and in some other business jointly with it; and

(ii) a person of good character; and

(iii) a fit and proper person to hold a certificate of registration; and

(b) to produce—

- (i) a certificate under Section 354M; or
- (ii) an interim certificate under Section 354N(a), of the *Income Tax Act* 1959 in respect of him for the year ending 31 December immediately preceding the date of application.

(Replaced by No. 22 of 1984, s. 3.)

41. Limitation on number of certificates of registration.

(1) The Board may determine, in respect of the whole country or a part of the country, the number of certificates of registration that may be granted or held at any one time.

(2) Any number of the residents of a town may make a written request, on the ground of public need, that a determination in respect of the town be made under Subsection (1) to enable the grant of an additional number, to be specified in the request, of certificates of registration.

(3) Where—

(a) the Board determines that an additional certificate of registration may be granted; or

(b) an existing certificate of registration becomes available for grant by reason of non-renewal or otherwise,

the Board shall, by notice in the National Gazette, invite applications for the grant of the available certificate.

(4) The Superintendent, a provincial government body or an Area Authority, may object to an application on the ground that the applicant is not—

(a) engaged, or about to be engaged—

(i) solely in the business of operating private hire cars or public hire cars, as the case may be; or

(ii) in that business and in some other business jointly with it; or

(b) a person of good character; or

(c) a fit and proper person to hold a certificate of registration.

(Amended by No. 43 of 1977, s. 4.)

(5) Unless the Board otherwise determines, the names of the remaining applicants shall then be submitted to a ballot, in such manner as the Board directs, to decide the persons to whom the available certificates of registration are to be granted.

(6) Where the Board determines that a ballot under Subsection (5) shall not be used, the Board may determine the persons (if any) to whom the available certificates of registration are to be granted.

42. Cancellation of certificates of registration.

(1) Where a certificate of registration is granted to a person who satisfies the Board that he is about to be engaged solely—

(a) in the business of operating private hire cars or public hire cars, as the case may be; or

(b) in that business and in some other business jointly with it,

and the person does not engage in and carry on that business, solely or jointly with some other business, within a reasonable time after the grant of the certificate, the Superintendent, a provincial government body or an Area Authority, shall, at the direction of the Board, cancel the certificate. (Amended by No. 43 of 1977, s. 5.)

(2) A person aggrieved by a decision of the Board under this section may appeal to the Minister, whose decision is final¹.

¹But see Constitution, Section 155.

43. Number-plates.

(1) In this section, "prescribed number-plate" means a number-plate referred to in Section 19(1).

(2) The prescribed number-plate in relation to a public hire car shall bear the appropriate registration figures in black on a yellow background.

Subdivision C.—Drivers of Private Hire Cars and Public Hire Cars.

44. Endorsement of licences.

A person must not drive a private hire car or a public hire car unless he holds a driving licence that bears an endorsement by the Superintendent to the effect that he is licensed to drive a private hire car or a public hire car, as the case may be.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

45. Qualifications for endorsement.

(1) An applicant for a licence to drive a private hire car shall produce evidence to the satisfaction of the Board that he is a fit and proper person to be the holder of the licence.

(2) An applicant for a licence to drive a public hire car shall—

(a) produce evidence to the satisfaction of the Board that he is—

(i) a person of good character; and

(ii) a fit and proper person to hold the licence; and

(b) submit to the Board a certificate of character signed by two persons of good repute approved by the Board.

(3) Before the grant of a licence to drive a hire car—

(a) a certificate of fitness and a certificate of competency shall be given by an Inspector of Motor Traffic; and

(b) the applicant shall—

(i) answer, in writing, any questions required by the Inspector to be answered; and

(ii) sign his name to the answers in the presence of the Inspector.

46. Unauthorized drivers.

The driver of a public hire car who permits an unlicensed person to act on a public street as the driver of the vehicle is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

47. Hirings.

(1) The driver of a public hire car that is on a public stand must, unless engaged for hire, accept a hiring for the conveyance of—

(a) any person other than a person who is—

(i) suffering from an infectious or contagious disease or illness; or

(ii) drunk, dirty or attired so as to be likely to soil or damage the vehicle;
or

(iii) noisy, violent, misbehaving or disturbing the public peace; or

(b) any person, when requested to do so by a member of the Police Force acting in the execution of his duty.

(2) A member of the Police Force who hires a public hire car under Subsection (1) is liable, in respect of the hiring, to pay to the driver, in addition to the legal fare, reasonable compensation for any damage or loss of time consequent on the hiring.

(3) The driver of a public hire car must, when so requested by the hirer, convey in the vehicle any number of passengers not exceeding the number stated in the certificate of registration issued in respect of the vehicle.

(4) A child apparently under five years of age shall not be taken into account in calculating, for the purposes of Subsection (3), the number of passengers.

(5) After the termination of a hiring, the hirer of a public hire car must, on demand by the driver, pay—

(a) the fare for the distance over which the passenger has travelled; or

(b) such lesser amount as is agreed on.¹

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

48. Conduct of drivers.

(1) The driver of a public hire car who—

(a) without first obtaining the consent of the passengers, smokes or chews betel-nut while the vehicle is conveying passengers; or

(b) carries or has in or on the vehicle intoxicating liquor, other than intoxicating liquor the property of a passenger; or

(c) importunes a person to hire the vehicle, to the annoyance of that person or of any other person; or

(d) leaves his vehicle to tout for passengers or for a hiring; or

(e) endeavours to attract notice by whistling, shouting or calling; or

(f) permits the vehicle to loiter; or

(g) wrongfully or forcibly prevents or attempts to prevent the driver of any other public motor vehicle from obtaining a hiring; or

(h) whilst hired, permits a person to ride or be carried in or on the vehicle without the consent of the hirer; or

(i) sleeps, lounges or eats his meals inside the vehicle; or

(j) conveys on the roof of the vehicle luggage or goods that is or are not safely and securely fastened to the vehicle,

is guilty of an offence.

(2) The driver of a public hire car must, while plying for hire—

(a) be clean and tidy; and

(b) wear clean and respectable clothes; and

¹But see Act, Section 27.

- (c) conduct himself in an orderly manner, and with civility and propriety towards every passenger or intending passenger.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

49. Carriage of offensive substances.

The driver of a public hire car must not, on a public street, permit a person to place or carry in the vehicle a substance of an offensive character.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

50. Driving for long periods.

A holder of a certificate of registration who requires or permits a driver to drive a public hire car or private hire car—

- (a) for more than eight hours (including a meal break of not less than 30 minutes) in a day; or
- (b) on more than six days out of any period of seven days,

is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

Division 4.—Motor Omnibuses.

Subdivision A.—Preliminary.

51. Interpretation of Division 4.

In this Division, unless the contrary intention appears—

“certificate of registration” means a certificate of registration granted under Section 54;

“licence to drive a motor omnibus” means a driving licence that bears an endorsement referred to in Section 63(1).

52. Application of Division 4.

This Division applies in areas declared by the Head of State, acting on advice, by notice in the National Gazette, to be areas to which this Division applies.

53. Operation of motor omnibuses.

A person must not—

- (a) operate or drive on a public street; or
- (b) cause or permit to be operated or driven on a public street,

a motor vehicle as a motor omnibus—

- (c) unless a certificate of registration or a licence under Section 56 is in force in respect of the vehicle; or
- (d) otherwise than in accordance with the certificate or licence and the conditions (if any) endorsed on the certificate or licence.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

Subdivision B.—Registration, etc.

54. Registration of motor omnibuses.

(1) Subject to Section 58, the Superintendent, a provincial government body or an Area Authority may—

(a) at the direction of the Board, grant a certificate of registration as a motor omnibus in respect of a motor vehicle with a seating capacity of not less than seven persons exclusive of the driver; and

(b) unless the Board otherwise directs, renew the certificate from time to time.

(2) Notwithstanding Subsection (1) but subject to Section 58, the Board may—

(a) where for a special reason it thinks it desirable, direct the Superintendent, a provincial government body or an Area Authority to grant a certificate of registration as a motor omnibus in respect of a motor vehicle with a seating capacity of less than seven persons, exclusive of the driver; and

(b) direct the Superintendent to renew the certificate from time to time.

(3) A certificate of registration granted in respect of a motor omnibus, and a renewal of any such certificate—

(a) may be by endorsement on the certificate of registration issued under Section 14; and

(b) shall specify the number of passengers that the vehicle may carry.

(4) The fee for a certificate of registration as a motor omnibus is as prescribed by Schedule 10, and, in addition, the person conducting a motor omnibus service shall pay the fee prescribed by Schedule 10 in respect of the service.

(5) The owner and the driver of a motor omnibus that carries a number of passengers greater than the number specified in the certificate of registration as the number of passengers that the vehicle may carry are each guilty of an offence.

(6) The owner of a motor omnibus must cause to be painted on it, in legible letters in a conspicuous place, the number of persons that the vehicle is licensed to carry, in the following form—

“LICENSED TO CARRY PERSONS”.

Penalty: A fine not exceeding K500.00.

(Amended by No. 42 of 1977, s. 1 and Act No. 4 of 1981, s. 4.)

55. Transferability of certificates of registration.

A certificate of registration is not transferable except with the consent of the Board.

56. Temporary licences.

(1) At the direction of the Board, the Superintendent, a provincial government body or an Area Authority may grant a temporary licence for the use of a motor vehicle as a motor omnibus during such period, for such purposes and subject to such conditions as he or it thinks proper.

(2) A licence under Subsection (1) shall be in Form 17.

(3) The fee for a licence under Subsection (1) is as prescribed by Schedule 10.

(Amended by No. 42 of 1977, s. 2.)

57. Qualifications for certificates of registration.

A certificate of registration shall not be granted or transferred to a person who fails—

- (a) to produce evidence that he is—
 - (i) a person of good character; and
 - (ii) a fit and proper person to hold a certificate of registration; and
- (b) to produce—
 - (i) a certificate under Section 354M; or
 - (ii) an interim certificate under Section 354N(a), of the *Income Tax Act* 1959 in respect of him for the year ending 31 December immediately preceding the date of application.

(Replaced by No. 22 of 1984, s. 4.)

58. Grant of certificates of registration.

(1) After making such inquiries as it thinks necessary, the Board may determine, in respect of the whole of the country or a part of the country, the number of certificates of registration that may be granted or held at any one time.

(2) Any number of the residents of a town may make a written request to the Board, on the ground of public need, that a determination in respect of the town be made under Subsection (1) to enable the grant of an additional number, to be specified in the request, of certificates of registration.

(3) Where—

- (a) the Board determines that an additional certificate of registration may be granted; or
- (b) an existing certificate of registration becomes available for grant by reason of non-renewal or otherwise,

the Board shall, by notice in the National Gazette, invite applications for the grant of the available certificate.

(4) In a notice under Subsection (3), the Board may—

- (a) give brief particulars of any conditions to which the certificate of registration, when granted, may be made subject; and
- (b) require an applicant to furnish such information relating to the service proposed to be provided by him as to it seems proper.

(5) As soon as practicable after the expiration of the time limited in a notice under Subsection (3) for the lodgement of applications, the Board shall, by notice in the National Gazette, publish—

- (a) the names of the applicants for the certificate of registration; and
- (b) the number of certificates of registration applied for by each applicant; and
- (c) the time within which objections to an application may be lodged.

(6) An application for the grant of a certificate of registration may be objected to, in writing, by any person, on grounds to be stated in the objection.

(7) After making such inquiries as it thinks proper, the Board may—

- (a) uphold an objection made under Subsection (6) and reject the application to which it relates; or
- (b) reject the objection.

(8) After the objections (if any) have been dealt with under Subsection (7), the Board shall, subject to this Regulation, determine the person to whom the available certificate of registration is to be granted.

(9) In making a determination under Subsection (8), the Board shall consider—

(a) the respective advantages of the services proposed to be provided; and

- (b) the adequacy or otherwise of, and the effect of a further service on, any existing service; and
- (c) the level of fares proposed to be charged; and
- (d) the area in which the proposed service is to operate; and
- (e) the type of vehicle that is to provide the proposed service; and
- (f) the suitability of the respective applicants; and
- (g) the convenience of the public; and
- (h) such other matters as the Board thinks necessary or appropriate.

(10) In a determination under Subsection (8), the Board may require that the grant of a certificate of registration be made subject to such conditions, to be endorsed on the certificate, relating to—

- (a) the time-table to be observed; or
- (b) the route to be served; or
- (c) the taking up and setting down of passengers; or
- (d) any other matter that appears to be necessary in the particular case,

as the Board determines.

(11) As soon as practicable after a determination has been made under Subsection (8), the Board shall send a copy of the determination, by post, to the Superintendent, or the provincial government body or the Area Authority to which the application was made, and to each applicant whose application was considered under this section. (*Amended by No. 42 of 1977, s. 3.*)

59. Effect of certificate of registration.

A certificate of registration is valid only in respect of plying for hire in accordance with the conditions endorsed on it under Section 58(10).

60. Routes.

(1) The Board shall allocate a route number to each route in respect of which a certificate of registration is in force.

(2) The owner of a registered motor omnibus must cause to be displayed on the front of the vehicle, in legible letters in a conspicuous place, the destination of the vehicle and the number allotted under Subsection (1) to the route on which it is plying.

Penalty: A fine not exceeding K500.00.

(*Amended by Act No. 4 of 1981, s. 4.*)

61. Display of fares, route, etc.

The owner of a registered motor omnibus must cause to be displayed in a conspicuous place inside the vehicle the route and time-table in respect of which the vehicle is registered, together with a table of the fares to be charged.

Penalty: A fine not exceeding K500.00.

(*Amended by Act No. 4 of 1981, s. 4.*)

62. Cancellation, etc., of registration.

Where the Board is satisfied, after due inquiry, that a person—

- (a) has been convicted of an offence against the Act or this Regulation in respect of a vehicle the subject of a certificate of registration; or

- (b) has failed to ply in accordance with the conditions endorsed under this Regulation on a certificate of registration held by him,

the Board may require the Superintendent or the provincial government body or Area Authority that granted the certificate of registration to cancel or suspend any certificate of registration held by the person, and the Superintendent or that provincial government body or Area Authority shall cancel or suspend, as the case may be, the certificate accordingly.

(Amended by No. 42 of 1977, s. 4.)

Subdivision C.—Drivers of Motor Omnibuses.

63. Endorsement of licences.

(1) A person must not drive a motor omnibus unless he holds a driving licence that bears an endorsement by the Superintendent to the effect that he is licensed to drive a motor omnibus.

(2) An owner or operator of a motor omnibus must not permit a person to drive the vehicle on a public street unless the person holds a licence to drive a motor omnibus.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

64. Qualifications for endorsement.

(1) An applicant for a licence to drive a motor omnibus shall—

(a) produce evidence to the satisfaction of the Superintendent that he is—

(i) a person of good character; and

(ii) a fit and proper person to hold the licence; and

(b) submit to the Superintendent a certificate of character signed by two persons of good repute approved by the Superintendent.

(2) Before the grant of a licence to drive a motor omnibus—

(a) a certificate of fitness and a certificate of competency shall be given by an Inspector of Motor Traffic; and

(b) the applicant shall—

(i) answer, in writing, any questions required by the Inspector to be answered; and

(ii) sign his name to the answers in the presence of the Inspector.

65. Cancellation or suspension of endorsement.

If the Superintendent is of the opinion that the holder of a licence to drive a motor omnibus is unfit to drive a motor omnibus he may cancel or suspend, for such period as he thinks proper, any endorsement on the licence to the effect that the holder is licensed to drive a motor omnibus.

66. Unauthorized drivers.

The driver of a motor omnibus who, on a public street, permits a person who is not the holder of a licence to drive a motor omnibus is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

67. Passengers.

(1) Subject to this Regulation and the conditions of the certificate of registration, the driver of a motor omnibus must accept as a passenger—

(a) any person other than a person who is—

- (i) suffering from an infectious or contagious disease or illness; or
- (ii) drunk, dirty or attired so as to be likely to soil or damage the vehicle; or
- (iii) noisy, violent, misbehaving or disturbing the public peace; or

(b) any person, when requested to do so by a member of the Police Force acting in the execution of his duty.

(2) A member of the Police Force who is accepted as a passenger in a motor omnibus under Subsection (1) is liable, in respect of the passage, to pay to the driver, in addition to the legal fare, reasonable compensation for any damage or loss of time consequent on the passage¹.

(3) The driver of a motor omnibus must issue to each passenger, at the time when he pays the fare, a ticket, in a form approved by the Superintendent, showing the fare paid and the journey to which it relates.

(4) A passenger in a motor omnibus must not refuse or fail to pay, on demand, the fare shown in the table displayed under Section 61 as the fare for the journey that he is undertaking or intends to undertake.²

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

68. Conduct of drivers.

(1) The driver of a motor omnibus who—

- (a) without first obtaining the consent of all the passengers, smokes or chews betel-nut while the vehicle is conveying passengers; or
- (b) carries or has in or on the vehicle intoxicating liquor, other than intoxicating liquor the property of a passenger; or
- (c) importunes a person to become a passenger in the vehicle, to the annoyance of that person or of any other person; or
- (d) leaves his vehicle to tout for passengers; or
- (e) endeavours to attract notice by whistling, shouting, calling or sounding a horn or siren; or
- (f) permits the vehicle to loiter; or
- (g) wrongfully or forcibly prevents or attempts to prevent the driver of any other public motor vehicle from obtaining a passenger; or
- (h) for the purpose of taking up or setting down passengers, stops at a place other than a stopping place authorized by the Superintendent; or
- (i) sleeps, lounges or eats his meals inside the vehicle; or
- (j) conveys on the roof of the vehicle luggage or goods that is or are not safely and securely fastened to the vehicle,

is guilty of an offence.

¹It would appear words have been omitted from this subsection. See Section 47(2).

²But see Act, Section 27.

(2) The driver of a motor omnibus must, while plying for hire—

- (a) be clean and tidy; and
- (b) wear clean and respectable clothes; and
- (c) conduct himself in an orderly manner, and with civility and propriety towards every passenger or intending passenger.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

69. Carriage of offensive substances.

The driver of a motor omnibus must not, on a public street, permit a person to place or carry in the vehicle a substance of an offensive character.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

70. Driving for long periods.

A holder of a certificate of registration who requires or permits a driver to drive a motor omnibus—

- (a) for more than eight hours (including a meal break of not less than 30 minutes) in a day; or
- (b) on more than six days out of any period of seven days,

is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

Subdivision D.—Miscellaneous.

71. Returns.

(1) A holder of a certificate of registration must, within one month after 30 June and 31 December in each year, furnish to the Board—

- (a) a balance sheet in respect of all motor omnibus operations carried on by him; and
- (b) a statement showing, in respect of each route over which he operates a motor omnibus service—
 - (i) the number of passengers carried by his motor omnibuses; and
 - (ii) the number of his motor omnibuses plying on the route,

each covering the period of six months immediately preceding that date.

(2) A holder of a certificate of registration must furnish such further information in respect of motor omnibus operations carried on by him as the Board or the Superintendent requests in writing.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

72. Appeals.

(1) A person aggrieved by a decision or determination of the Board or the Superintendent under this Division may—

(a) within 14 days after the making of the decision or determination complained of; or

(b) in the case of a determination under Section 58(8), within seven days after the receipt by him of a copy of the determination sent to him under that section, appeal to the Head of State, acting on advice, whose decision is final.¹

(2) The Head of State, acting on advice, may, in any particular case, extend the time for making an appeal under Subsection (1) if in his opinion, having regard to all the circumstances, it is just and equitable to do so.

73. Cleanliness.

The holder of a certificate of registration in respect of, and the driver of, a motor omnibus must take all reasonable steps to keep the omnibus clean.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

Division 5.—General Provisions Relating to Hire Cars and Omnibuses.

74. Interpretation of Division 5.

In this Division, "public motor vehicle to which this Division applies" means a private hire car, public hire car or motor omnibus.

75. Record of drivers.

(1) Subject to Subsection (2), a holder of a certificate of registration in respect of a public motor vehicle to which this Division applies must—

(a) keep a record of—

(i) the full name and address of each person who has driven the vehicle; and

(ii) the dates on which the person drove the vehicle; and

(b) at the request of the Superintendent, a member of the Police Force or an Inspector of Motor Traffic, produce the record for the inspection of the Superintendent, member or Inspector.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

(2) It is not necessary for the holder of a certificate of registration to keep the record of a driver for more than three months or to produce it in respect of a period earlier than three months before the date of the request.

76. Production of certificate of registration to Superintendent, etc.

(1) The Superintendent, or the provincial government body or Area Authority that granted the certificate of registration may, by written notice, require the owner of a public motor vehicle to which this Division applies to produce at the office of the Superintendent or that provincial government body or Area Authority or at some other place specified in the notice, within such time as is specified in the notice, the certificate of registration held by him in respect of the vehicle. (Amended by No. 42 of 1977, s. 5.)

¹But see Constitution, Section 155.

(2) A person who, after receipt of a notice under Subsection (1), fails, without reasonable excuse, to produce the certificate of registration in accordance with the notice is guilty of an offence.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

77. Production of certificate of registration to driver.

A holder of a certificate of registration in respect of a public motor vehicle to which this Division applies must, before permitting or employing any person to act as the driver of the vehicle, produce to him, if required by him, the certificate of registration in respect of the vehicle.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

78. Notice of accident.

If an accident occurs in connexion with a motor omnibus or public hire car, the driver must immediately give notice of the accident to the owner.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

79. Use for illegal purposes.

The owner or driver of a motor omnibus or public hire car must not cause or permit the vehicle to be used for an illegal purpose.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

80. Liability of unlicensed drivers.

An unlicensed person acting as the driver of a motor omnibus or public hire car is subject to this Regulation and liable for any breach as if he were a licensed driver.

PART VI.—TRADERS' PLATES.

81. Applications for trader's plates.

(1) An application for a trader's plate or the renewal of a trader's plate shall be made to the Superintendent in Form 18.

(2) On receipt of an application under Subsection (1), the Superintendent may, by notice to the applicant, require him to attend at the office of the Superintendent on a date specified in the notice.

82. Issue of traders' plates and trader's plate certificates.

(1) Subject to Section 83, the Superintendent may issue to an applicant under Section 81—

(a) a trader's plate; and

(b) a certificate in Form 19.

(2) The fee for the issue of a trader's plate is as prescribed by Schedule 10.

83. Qualifications for issue of traders' plates and traders' plate certificates.

(1) A trader's plate, and a trader's plate certificate, may be issued only to a person, firm or company who or that—

- (a) is bona fide engaged in manufacturing, dealing in or repairing motor vehicles; and
- (b) has premises suitable for that purpose.

(2) A trader's plate or trader's plate certificate shall not be issued unless a report in Form 20 recommending the issue of the plate has been made by a person authorized for the purpose by the Superintendent.

84. Conditions of use of traders' plates.

(1) A trader's plate may, subject to this Regulation, be placed on a motor vehicle that is in the possession of the person, firm or company to whom or to which the plate was issued, while the vehicle is—

- (a) on trial—
 - (i) during the course of construction or repairs; or
 - (ii) after completion, for the purpose of ascertaining that the parts of the vehicle are in proper working condition; or
- (b) on trial, for the benefit of a prospective purchaser or a person bona fide interested in the exchange of the vehicle; or
- (c) proceeding to or returning from a prospective purchaser for or after trial; or
- (d) proceeding for delivery to a purchaser; or
- (e) proceeding to or returning from a workshop for painting or repairs; or
- (f) proceeding to a wharf for shipment or from a wharf to the premises of the trader; or
- (g) proceeding to an exhibition or show for display or trial, or returning from an exhibition or show to the premises of the trader; or
- (h) proceeding to or returning with a disabled motor vehicle.

(2) A trader's plate that has been issued for use on—

- (a) a motor vehicle, other than a motor cycle—must not be used on a motor cycle; and
- (b) a motor cycle—must not be used on a motor vehicle other than a motor cycle.

(3) A person, firm or company to whom or to which a trader's plate is issued must not use the trader's plate, or permit it to be used, otherwise than in a manner specified in Subsection (1) or (2).

Penalty: A fine not exceeding K20.00.

85. Affixing of traders' plates.

A person must not drive on a public street a motor vehicle on which there is a trader's plate unless—

- (a) the plate is properly affixed at the rear of the vehicle in accordance with Part II of Schedule 3; and

(b) the provisions of this Regulation relating to trader's plates are complied with.

Penalty: A fine not exceeding K20.00.

86. Drivers of vehicles with traders' plates.

(1) Subject to Subsections (2) and (3), a person must not drive on a public street a motor vehicle on which there is a trader's plate.

Penalty: A fine not exceeding K20.00.

(2) Subsection (1) does not apply to a person who—

(a) is the holder of a driving licence to drive the motor vehicle; and

(b) is—

(i) the person to whom the trader's plate concerned was issued; or

(ii) a member of the firm or company to which the plate was issued; or

(iii) a salaried officer or regular employee of the person, firm or company to which the plate was issued.

(3) A prospective purchaser may drive a motor vehicle on which there is a trader's plate if—

(a) he produces to the trader his driving licence to drive the vehicle; and

(b) in the case of a motor vehicle other than a motor cycle—one of the persons specified in Subsection (2)(b) accompanies him while he is driving it.

PART VII.—LICENCES, REGISTRATIONS, ETC., GENERALLY.

87. Refusal, suspension and cancellation.

(1) The Superintendent may—

(a) refuse to grant a driving licence to a person who—

(i) has been convicted of driving a motor vehicle—

(A) while under the influence of liquor or a drug; or

(B) on a public street in a manner dangerous to the public; or

(ii) is, in his opinion, for any other reason unfit to hold a driving licence;
or

(b) cancel or suspend, for such period as he thinks proper—

(i) a driving licence issued to a person who, in his opinion, is unfit to hold a driving licence; or

(ii) the registration of a motor vehicle that he thinks to be, by reason of its condition, design or construction, a source of danger or annoyance to the public; or

(c) revoke or suspend the right of any person, firm or company to use a trader's plate.

(2) A person aggrieved by a decision of the Superintendent under Subsection (1) may appeal to a court, which may make an order—

(a) cancelling or varying the decision; and

(b) giving such other directions as it thinks proper, and the order and directions are final¹.

(3) A person, firm or company who or that uses, or causes or permits to be used, a trader's plate, the right to use which is revoked or suspended, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

88. Delivery of licence, etc., on cancellation.

(1) A person to whom a certificate of registration, driving licence or trader's plate has been issued must—

(a) immediately the certificate or licence has been suspended or cancelled, or the right to use the trader's plate has been revoked or suspended, as the case may be; or

(b) in the case of a certificate of registration or driving licence—within three days after it expires,

deliver—

(c) the certificate of registration and number-plate; or

(d) the driving licence; or

(e) the trader's plate and trader's plate certificate,

as the case may be, to the Superintendent.

Penalty: A fine not exceeding K100.00.

(2) Where a number-plate delivered to the Superintendent under Subsection (1) is, in his opinion, defaced, the owner shall, if directed to do so by the Superintendent, pay to the Superintendent the fee prescribed by Schedule 10.

89. Change of address.

(1) Within 14 days after any change of his address during the currency of the certificate, licence or plate, a person who has been granted a certificate of registration, driving licence or trader's plate must—

(a) give written notice of the change of address; and

(b) bring or forward his certificate of registration, licence or trader's plate certificate, as the case may be,

to the Superintendent or an Inspector of Motor Traffic.

Penalty: A fine not exceeding K10.00.

(2) The Superintendent or Inspector of Motor Traffic shall cause the new address to be endorsed on the certificate of registration, licence or trader's plate certificate, as the case requires, which shall then be returned to the owner.

90. Loss, etc., of licence, etc.

(1) Where a certificate of registration, driving licence or trader's plate certificate has been lost, defaced or destroyed, the owner of the vehicle to which the certificate of registration or trader's plate certificate relates, or of the licence, as the case may be, must, within seven days, forward to the Superintendent a notification of the loss, defacement or destruction, and thereupon the original certificate or licence is void.

Penalty: A fine not exceeding K20.00.

¹ But see Constitution, Section 155.

- (2) The Superintendent may—
- (a) on application in Form 21 by the holder of the lost, defaced or destroyed certificate or licence, accompanied by a statutory declaration in Form 22; and
 - (b) if satisfied that no misuse has been made of it; and
 - (c) on payment by the owner of the fee prescribed by Schedule 10,
- issue to the owner a substitute in Form 23, 24 or 25, as the case requires, for the certificate or licence.
- (3) Within seven days after the receipt of the substitute certificate of registration or trader's plate certificate, the owner of the motor vehicle to which it relates must affix the new registration label on the vehicle in place of the one lost, defaced or destroyed.
- Penalty: A fine not exceeding K20.00.

91. Loss, etc., of number-plate or traders' plate.

(1) Where a number-plate or trader's plate has been lost or destroyed, the owner of the motor vehicle to which it was affixed must, within seven days, forward to the Superintendent a statutory declaration of the loss or destruction.

Penalty: A fine not exceeding K20.00.

(2) The Superintendent shall—

- (a) if the motor vehicle has not also been lost or destroyed; and
- (b) if he is satisfied that no improper use has been made of the number-plate or trader's plate,

supply the owner with a new number-plate or trader's plate, on payment by the owner of the fee prescribed by Schedule 10.

(3) Within seven days after the receipt of the new number-plate or trader's plate, the owner must affix it to the motor vehicle in place of the one lost or destroyed.

Penalty: A fine not exceeding K20.00.

92. Defacement of certificate of registration, etc.

A person who defaces a certificate of registration, trader's plate certificate, driving licence, learner's permit or number-plate is guilty of an offence.

Penalty: A fine not exceeding K20.00.

93. Disposing, etc., of certificate of registration, etc.

A person who lends or parts with a certificate of registration, trader's plate certificate, driving licence, learner's permit or number plate is guilty of an offence.

Penalty: A fine not exceeding K20.00.

PART VIII.—LIGHTS.

94. Installation of lights.

(1) A person must not drive, or permit a person to drive, a motor vehicle, other than a motor cycle, on a public street between the hours of sunset and sunrise, unless—

- (a) two lighted lamps of approximately equal candela are carried on opposite sides of the front of the vehicle—
 - (i) having their centres equidistant from the centre of the vehicle but not less than 600mm apart; and

- (ii) capable of showing a bright white, yellow or amber light in front of the vehicle; and
 - (iii) capable of—
 - (A) deflecting, either permanently or at the will of the driver, a beam of light downwards to such an extent that when the vehicle is standing on a horizontal surface no portion of the beam is elevated more than 1m above the surface at any point 8m or more ahead of the driver; and
 - (B) deflecting the beam both downwards as provided in Clause (A) and to the left, so that the beam, when so deflected, has an effective range of 25m; and
 - (iv) set at equal heights from the ground in such a way that the centres of the lights are not more than 1.4m from the ground or, if more than one set of lights are carried, that—
 - (A) the centres of the lower set are not less than 600mm above the ground; or
 - (B) in the case of a motor vehicle first registered before 1 September 1968—the centres of the upper set are not more than 1.4m above the ground; and
 - (b) a lighted lamp is carried on the rear of the vehicle or, if a trailer is attached to the vehicle, of the trailer, made and carried in such a way as—
 - (i) to show a bright red light visible from a distance of 260m to persons approaching from the rear of the vehicle; and
 - (ii) to illuminate, and make easily distinguishable at a distance of 20m, each figure on the number-plate affixed to the rear of the vehicle or of the trailer, as the case may be; and
 - (c) in the case of a tip-truck—
 - (i) a lighted lamp is carried on the rear of the vehicle as provided in Paragraph (b); or
 - (ii) with the approval of the Superintendent, the tail light and rear number-plate are suitably placed and kept on the back of the cabin, in a position conspicuous from the rear, with an additional red light placed and kept on the hindmost portion of the vehicle to indicate clearly the rear of the vehicle.
- (2) A person must not drive a motor cycle on a public street between the hours of sunset and sunrise unless—
- (a) a lighted lamp is carried on the front of the cycle, made and carried in such a way as to show in front of the cycle a light that is—
 - (i) bright; and
 - (ii) white, yellow or amber; and
 - (b) a lighted lamp is carried on the rear of the cycle in the same manner as is provided for by Subsection (1)(b).

Penalty: A fine not exceeding K100.00.

95. Dipping of lights.

A person who drives a motor vehicle on a public street between the hours of sunset and sunrise, who—

- (a) when he is approximately 200m from; or
- (b) if approaching a rise or if entering another street is less than 200m from, any other vehicle travelling in the opposite direction, fails to cause the main beam of light projected from any headlamp of his vehicle—

(c) to be dipped; and

(d) to remain dipped until he has passed that other vehicle,

is guilty of an offence.

Penalty: A fine not exceeding K20.00.

96. Lights on stationary vehicles.

(1) A person who at any time—

(a) between the hours of sunset and sunrise; or

(b) when there is insufficient daylight to make a person dressed in dark clothing discernible at a distance of 100m,

stands, or causes or permits to stand, on a public street—

(c) a motor vehicle, other than a motor cycle without a side-car attached, unless—

(i) the parker lamps, rear lamp and any clearance or side marker lamp required to be fitted to the vehicle by Part II of Schedule 3 are alight; or

(ii) the vehicle is clearly lit by reason of lighted street lamps or other illumination; or

(d) a motor vehicle with a headlamp alight,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) While a motor vehicle is standing on a public street at any time—

(a) between the hours of sunset and sunrise; or

(b) when there is insufficient daylight to make a person dressed in dark clothing discernible at a distance of 100m,

an optional lamp permitted to be fitted to the vehicle by Schedule 5 may be alight.

97. Flashing warning lights.

A person who causes or permits a lamp authorized by Section Sch. 5.1A to be fitted to a motor vehicle to be alight except—

(a) while the vehicle is standing in a hazardous position or moving at a speed of not more than 8km/h in hazardous circumstances; or

(b) in the case of an ambulance, fire-fighting vehicle or police vehicle, when the vehicle is being used for urgent purposes arising from an accident, fire or other emergency, as the case may be,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(Amended by No. 33 of 1979, s. 2.)

98. Signalling devices.

(1) Subject to this section, there must be affixed to a motor vehicle flashing light turn signals, to indicate "Turn Right" and "Turn Left" movements, as described in Schedule 4.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

(2) In the case of a motor vehicle to which, by virtue of Subsection (3), this subsection applies, there must be affixed to the vehicle—

(a) at a point on the right-hand side of the vehicle adjacent to and readily visible to the driver, a signalling device that can be operated by the driver to signify an intention—

(i) to stop or reduce speed after the same manner as a driver raising his hand in accordance with Section 137(2)(e); and

(ii) to turn to the right after the same manner as a driver extending his arm in accordance with Section 137(5)(b); or

(b) flashing light turn signals to indicate "Turn Right" and "Turn Left" movements, as described in Schedule 4.

Penalty: A fine not exceeding K50.00.

(3) Subsection (2) applies to—

(a) a motor omnibus; or

(b) a motor vehicle the construction of which, or of a trailer drawn by which, is such that it would prevent the driver of the vehicle from giving, by the use of his arm and hand, a clear indication of his intention to turn or diverge to the right, or to stop or slow down suddenly; or

(c) a motor vehicle on which the distance from the centre of the top portion of the steering column to the outer limits of the vehicle and any load on it, on the right-hand side of the vehicle, exceeds 600mm.

(4) In the case of—

(a) an articulated vehicle; or

(b) a rigid vehicle,

7.3m or more in length—

(c) the front signal lamps must be arranged and constructed; or

(d) an additional lamp must be provided at each side at the front of the vehicle,

so that the signals can be seen by the driver of an overtaking vehicle.

Penalty: A fine not exceeding K50.00.

(5) In the case of a motor vehicle hauling a trailer, the signal equipment on the hauling vehicle may consist of—

(a) two lamps facing forward, one on each side of the front, and if the combination of hauling vehicle and trailer is 7.3m or more in length, two lamps facing to the rear, one on each side of the rear of the vehicle; or

(b) one lamp on each side showing light to the front and to the rear.

99. Disengagement of signalling devices, etc.

The driver of a motor vehicle who fails to disengage a signalling device or a flashing light signal referred to in this Regulation that is likely to mislead a pedestrian, a person directing traffic or the driver of any other vehicle is guilty of an offence.

Penalty: A fine not exceeding K20.00.

100. Maintenance of signalling devices, etc.

The owner of a motor vehicle who fails to keep any signalling device or flashing light signal installed in the vehicle in good and efficient working order is guilty of an offence.

Penalty: A fine not exceeding K20.00.

101. Portable warning signs for heavy vehicles.

(1) A person must not drive a heavy vehicle on a public street between the hours of sunset and sunrise, or cause or permit a heavy vehicle to be so driven, unless—

- (a) there are carried on the vehicle three portable signs complying with the standard specifications for warning signs set out in Standards Association of Australia Specification AS E38-1962, *Australian Standard Specification for Portable Warning Signs for Motor Vehicles*; and
- (b) the signs are in good order.

Penalty: A fine not exceeding K50.00.

(2) Where a disabled heavy vehicle is stationary on a public street between the hours of sunset and sunrise—

- (a) in a position where the vehicle is not clearly visible by street lighting at a distance of 200m; or
- (b) within 100m of a curve, crest or any other obstruction to the view of approaching drivers,

the driver or person in charge of the vehicle must immediately place and leave on the street the three portable warning signs prescribed by Subsection (1), as follows:—

- (c) one in advance of the vehicle; and
- (d) one to the rear of it; and
- (e) one beside it on the side nearer to the centre of the carriageway.

Penalty: A fine not exceeding K100.00.

(3) Compliance with Subsections (1) and (2) does not affect any other duty placed by this Regulation to display lighted lamps on stationary vehicles.

102. Optional lamps and reflectors.

In addition to the compulsory lighting equipment, a motor vehicle may be equipped with—

- (a) lamps and reflectors in accordance with Schedule 5; or
- (b) any approved lamps and reflectors.

PART IX.—MAXIMUM WEIGHTS AND MEASUREMENTS.

Division 1.—Preliminary.

103. Interpretation of Part IX.

In this Part, unless the contrary intention appears—

"axle load", in relation to a motor vehicle, means the total weight transmitted to the road by an axle;

"gross weight", in relation to a motor vehicle, means the load capacity of the vehicle, plus its tare;

"height", in relation to a motor vehicle, includes the total height of any load carried on the vehicle;

"load capacity", in relation to a motor vehicle, means the maximum load, as specified by the maker, for the vehicle;

"tare", in relation to a motor vehicle, means the unladen weight of the vehicle and includes—

(a) any fuel contained in the tanks of the vehicle; and

(b) any tools usually carried for the purpose of servicing the vehicle;

"tyre load" means the total weight transmitted to the road by a tyre;

"weighbridge officer" means a weighbridge officer appointed under Section 104;

"width", in relation to a motor vehicle, includes the total width of any load carried on the vehicle.

(2) For the purposes of this Part, where a motor vehicle tows another vehicle or trailer the two vehicles, or the vehicle and the trailer, as the case may be, shall be deemed to be one vehicle.

104. Appointment of weighbridge officers.

The Superintendent may, by notice in the National Gazette, appoint an officer to be a weighbridge officer.

Division 2.—Exemptions.

105. General power of exemption.

(1) The Superintendent may, by written permit, exempt the owner or driver of a vehicle from all or any of the provisions of this Part.

(2) A permit under Subsection (1)—

(a) may be granted for a single trip or for a specified period; and

(b) may specify the degree to which the provisions of this Part, or any of them, do not apply; and

(c) shall designate the public streets to be traversed; and

(d) shall come within the design limits of the streets to which the exemption applies; and

(e) may—

(i) contain such other conditions and provisions; and

- (ii) require such undertakings or security,
as the Superintendent thinks necessary for—
- (iii) the protection of the public streets from injury; and
- (iv) the payment to the State of any damages caused to a public street by reason of the use of the vehicle for which the exemption is granted.

(3) A permit under Subsection (1)—

- (a) must be carried in the vehicle to which it relates; and
- (b) must be produced, on demand by an Inspector of Motor Traffic or a weighbridge officer, by the driver or person in charge of the vehicle.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

(4) A person using a vehicle under a permit under Subsection (1) shall pay to the State the amount of any damage that is caused to a public street the subject of a notice under this Part by reason of the use of the vehicle on it.

(5) An amount due under Subsection (4) may be recovered by the State as a debt.

106. Exemption of vehicles purchased before 30 June 1968.

(1) Where the Superintendent is satisfied that a vehicle was purchased as a new vehicle before 30 June 1968, he may, by written permit, exempt the owner and driver of the vehicle from compliance with Section 112 and Section 113(1)(a).

(2) A permit under Subsection (1)—

- (a) must be carried in the vehicle to which it refers; and
- (b) must be produced on demand by an Inspector of Motor Traffic or a weighbridge officer, by the driver or person in charge of the vehicle.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

107. Bulk fuel vehicles.

(1) In this section, "bulk fuel vehicle" means a vehicle carrying a load of motor spirit, in bulk form or in drums, that weighs not less than 90% of the weight of the total load carried by the vehicle.

(2) Where the Superintendent is of the opinion that there is or is likely to be a shortage of stocks of motor spirit in any area, he may, subject to Subsection (3), exempt the owners and drivers of bulk fuel vehicles from compliance with Section 112 and Section 113(1)(a).

(3) An exemption under Subsection (2)—

- (a) shall be notified in the National Gazette; and
- (b) applies only in respect of a specified public street or a specified portion of a public street; and
- (c) operates for the period specified in the exemption.

Division 3.—*Maxima.***108. Maximum dimensions of vehicles.**

- (1) This section applies to any motor vehicle first registered after 30 June 1968.
- (2) Subject to Subsection (6), the length of—
 - (a) a motor vehicle or trailer (other than an articulated vehicle), together with any loading or equipment on it—
 - (i) in the case of a motor omnibus or tourist vehicle that—
 - (A) complies with the requirements of this Regulation; and
 - (B) has a maximum overhang from the rear axle of 2.5m, shall not exceed—
 - (C) if the vehicle is of an approved design and is operating over a prescribed route—11.3m; and
 - (D) in any other case—10m; and
 - (ii) in the case of any other vehicle—shall not exceed 9.5m; and
 - (b) a combination of a motor vehicle (other than an articulated vehicle) and a trailer, together with any load or equipment on the combination, shall not exceed 15.3m; and
 - (c) an articulated vehicle, together with any load or equipment on it, shall, subject to Subsection (3), not exceed 13.7m.
- (3) In the case of an articulated vehicle, the length of any rigid portion of the vehicle, including any projecting parts or load on that portion, shall not exceed 10.7m.
- (4) Subject to Subsection (6), the width of a motor vehicle, trailer, pole trailer or other towed vehicle, together with any load or equipment on it, but not including any rear-vision mirror or signalling device required or permitted to be fitted in accordance with this Regulation, shall not exceed 2.5m.
- (5) Subject to Subsection (6), the height of a motor vehicle or trailer, together with any load or equipment on it, shall not exceed 4.3m.
- (6) The limits prescribed by the preceding provisions of this section may be exceeded where—
 - (a) prior written permission to do so is obtained from the Superintendent; and
 - (b) all the conditions of the permission are strictly complied with.
- (7) A person who drives on a public street a motor vehicle that does not comply with the preceding provisions of this section, or causes such a vehicle to be so driven, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

109. Overhangs.

- (1) For the purposes of this section, the wheel-base of a vehicle is—
 - (a) in the case of a vehicle or trailer (other than an articulated vehicle)—
 - (i) where a vehicle has only two axles—the distance, measured at right angles, between the centre line of the two axles; and

- (ii) where the vehicle has three axles and two of them are situated to the rear of the vehicle—the distance, measured at right angles, between—
 - (A) the centre line of the front axle; and
 - (B) a line midway between the centre lines of the other two axles; and
- (iii) where the vehicle has three axles and two of them are situated to the front of the vehicle—the distance, measured at right angles, between—
 - (A) the centre line of the front axle; and
 - (B) the centre line of the rear axle; and
- (iv) where the vehicle has four axles—the distance, measured at right angles, between—
 - (A) the centre line of the front axle; and
 - (B) a line midway between the centre lines of the rearmost axle and the axle next to it; and
- (b) in the case of an articulated vehicle—
 - (i) where the vehicle has three axles—the distance, measured at right angles, between—
 - (A) the centre line of the middle axle; and
 - (B) the centre line of the rear axle; and
 - (ii) where the vehicle has four axles and two of them are situated to the rear of the semi-trailer—the distance, measured at right angles, between—
 - (A) the centre line of the axle nearest to the front axle; and
 - (B) a line midway between the centre lines of the two axles of the semi-trailer; and
 - (iii) where the vehicle has four axles and two of them are situated to the rear of the hauling unit—the distance, measured at right angles, between—
 - (A) a line midway between the centre lines of the rearmost axle of the hauling unit and the axle next in front of it; and
 - (B) the centre line of the axle of the semi-trailer; and
 - (iv) where the vehicle has four axles and two of them are situated to the front of the hauling unit—the distance, measured at right angles, between—
 - (A) the centre line of the rearmost axle of the hauling unit; and
 - (B) the centre line of the axle of the semi-trailer; and
 - (v) where the vehicle has five axles and—
 - (A) two of them are situated to the rear of the hauling unit; and
 - (B) the semi-trailer has two axles,
 the distance, measured at right angles, between—
 - (C) a line midway between the centre lines of the centre axle of the vehicle and the axle next in front of it; and

- (D) a line midway between the centre lines of the two axles of the semi-trailer; and
 - (vi) where the vehicle has five axles and—
 - (A) two of them are situated to the front of the hauling unit; and
 - (B) the semi-trailer has two axles,the distance, measured at right angles, between—
 - (C) the centre line of the centre axle; and
 - (D) a line midway between the centre lines of the two axles of the semi-trailer; and
 - (vii) where the vehicle has five axles and four of them are fitted to the hauling unit—a distance determined in accordance with Subparagraph (iii); and
 - (viii) where the vehicle has six axles—the distance, measured at right angles, between—
 - (A) a line midway between the centre lines of the rearmost axle of the hauling unit and the axle next in front of it; and
 - (B) a line midway between the centre lines of the two axles of the semi-trailer.
- (2) Subject to Subsection (3), no part of a motor vehicle, including a trailer that has two or more axles, shall overhang beyond the centre line of the rear axle by more than—
- (a) 50% of the wheel-base; or
 - (b) 2.9m,
- whichever is the lesser.
- (3) In the case of a motor vehicle (other than a trailer) any part of which overhangs beyond the centre line of the front axles by not less than 30% of the wheel base, the overhang of any part of the vehicle beyond the centre line of the rear axle may be—
- (a) not more than 60% of the wheel base; or
 - (b) 2.9m,
- whichever is the lesser.
- (4) A person who drives on a public street a motor vehicle that does not comply with the preceding provisions of this section, or causes such a vehicle to be so driven, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

110. Ground clearances.

(1) For the purposes of this section, "ground clearance" means the minimum vertical distance, measured not closer than 1m to any axle, from the underside of a motor vehicle, or a trailer or other vehicle drawn by a motor vehicle, to the surface of the road when the motor vehicle, trailer or other vehicle, as the case may be, is standing on a flat level section of road under any conditions of loading.

(2) A motor vehicle that is driven on a public street, and a trailer or other vehicle attached to any such motor vehicle, shall have a ground clearance of not less than that specified in the following table:—

Distance between any two consecutive axles.	Ground clearance.
	mm.
Exceeding 4m but not exceeding 6m	200
Exceeding 6m but not exceeding 7m	220
Exceeding 7m but not exceeding 7.5m	240
Exceeding 7.5m but not exceeding 8m	260
Exceeding 8m but not exceeding 8.5m	265
Exceeding 8.5m but not exceeding 9m	280
Exceeding 9m but not exceeding 9.5m	300
Exceeding 9.5m but not exceeding 10m	320

(3) The ground clearance of a motor vehicle shall not be less than 100mm at any point.

(4) A person who drives on a public street a motor vehicle that does not comply with the preceding provisions of this section, or causes such a vehicle to be so driven, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

111. Maximum forward projection of articulated vehicles.

(1) No part of the trailer unit of an articulated vehicle (not being a vehicle to which a pole-type trailer is attached) or any load on it shall project more than 2m radially forward of the axis of the pivot pin.

(2) A person who drives on a public street a motor vehicle that does not comply with Subsection (1), or causes such a vehicle to be so driven, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

112. Weight and load limitations.

(1) Subject to Sections 105 and 106, a motor vehicle or trailer, or a combination of a motor vehicle and a trailer or semi-trailer, driven or drawn on a public street shall satisfy the following requirements:—

- (a) the tyre load for a single tyre shall not exceed 2 300kg; and
- (b) the axle load for a single axle fitted with twin tyres of four or more single tyres shall not exceed 8 100kg; and
- (c) where axles are used in pairs in such a way that their centres are contained between two transverse parallel vertical planes more than 1m but less than 3m apart—
 - (i) where both axles are fitted with dual tyres the combined axle load shall not exceed 16 200kg, except that the axle load on either axle shall not exceed 8 100kg; and
 - (ii) where one axle is fitted with dual tyres and the other with single tyres the sum of the axle loads shall not exceed 11 200kg except that the axle load with dual tyres shall not exceed 8 100kg and the axle load of the axle with single tyres shall not exceed 4 600kg; and

(iii) where both axles are fitted with single tyres—

(A) the combined axle load shall not exceed 9 100kg; and

(B) the axle load on either axle shall not exceed 4 600kg; and

(d) the total weight of the vehicle or combination of vehicles and the load shall not exceed the weight prescribed in the second column of Schedule 6 according to that axle spacing in the first column of that Schedule that is the distance between the extreme axles of the vehicle or combination of vehicles, as the case may be; and

(e) the combined axle load of any group of consecutive axles shall not exceed the weight prescribed in the second column of Schedule 6 according to the axle spacing in the first column of that Schedule that is the distance between the extreme axles of the group of consecutive axles.

(Amended by No. 62 of 1975, s. 10.)

(2) A person who drives on a public street a motor vehicle that does not comply with Subsection (1), or causes such a vehicle to be so driven, is guilty of an offence.

Penalty: A fine not exceeding K100.00.

113. Maximum loads in certain cases.

(1) Subject to the preceding provisions of this Part and to Subsection (2), a person must not drive or use a motor truck on a public street, or permit a motor truck to be so driven or used, if—

(a) the weight of the truck and its load exceeds the gross weight of the truck by more than 10%; or

(b) the weight of any trailer, and its load, drawn by the truck exceeds two-thirds of the gross weight of the truck by more than 10%.

(2) It is not an offence against Subsection (1) to exceed a weight limit referred to in that subsection if the written permission of the Superintendent to do so for a specified purpose is first obtained.

(3) The driver or person in charge of a motor truck must comply with any reasonable direction given by a member of the Police Force, a weighbridge officer, or a person authorized for the purpose by the Superintendent for determining the weight of the truck or of any load carried on it.

Penalty: A fine not exceeding K100.00.

114. Carrying of indications of weight.

(1) Subject to the preceding provisions of this Part and to Subsection (2), a person must not drive or use a motor truck on a public street, or permit a motor truck to be so driven or used, unless—

(a) the word "Tare" or the letter "T", followed by the unladen weight of the vehicle; and

(b) immediately underneath the word "Tare" or the letter "T" the word "Gross" or the letter "G", followed by the gross weight of the vehicle,

are—

(c) displayed in block letters and figures, at least 50mm high, on the right-hand side of the vehicle; and

(d) kept in such a condition as to be clearly legible at a distance of 5m.

Penalty: A fine not exceeding K100.00.

(2) In the case of a visiting motor truck, it is a sufficient compliance with Subsection (1) if there is displayed on the vehicle particulars of any weights relevant to it in conformity with the law for the time being in force in the place in which it is registered.

115. Special limitations.

(1) The Minister may, by notice in the National Gazette, limit—

- (a) the maximum weight, height, length or width of vehicles; and
- (b) the distance to be maintained between vehicles,

permitted to be driven or drawn on a public street or a portion of a public street, either generally or in relation to a specified street or a specified portion of a street.

(2) On the publication of a notice under Subsection (1), the Superintendent shall cause to be erected signs showing the maximum weight, height, length or width as given in the notice at such points on the street or portion of a street the subject of the notice as he thinks desirable.

(3) A person must not drive or draw, or cause to be driven or drawn, on a public street in relation to which the maximum weight, height, length or width of vehicles has been limited under Subsection (1) a vehicle of greater weight, height, length or width than the maximum so limited.

Penalty: A fine not exceeding K100.00.

Division 4.—Ascertainment of Weight.

116. Calculation of weight.

(1) For the purposes of this Part, the weight of any goods specified in Schedule 7 may be calculated in accordance with that Schedule.

(2) The weight calculated under Subsection (1) shall be conclusively deemed, for the purposes of this part, to be the actual weight of the goods unless the owner or driver of the vehicle—

- (a) gives notice at the time of his intention to have the goods weighed; and
- (b) immediately proceeds, at his own expense, to have the load weighed at the nearest or most convenient weighbridge or weighing machine.

117. Weight where axle loads measured separately.

Where—

- (a) a vehicle is weighed at a weighbridge or weighing machine, with or without its load; and
- (b) the axles are weighed separately or in groups, or in both ways,

the sum of the weighings of all axles shall be taken to be the weight of the vehicle, with or without its load, as the case may be.

118. Offences in relation to weighbridges, etc.

A person who, without reasonable excuse (proof of which is on him), tampers or interferes with any part of a weighbridge or weighing machine is guilty of an offence.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months, or both.

Division 5.—General.

119. Stopping for weighing, measurement, etc.

(1) A person driving, or in charge of, a vehicle on a public street must, when required to do so by an Inspector of Motor Traffic or a weighbridge officer—

- (a) stop the vehicle; and
- (b) give correctly his full name and address; and
- (c) drive the vehicle, together with its load (if any), to a portion of a public street or an area selected by the Inspector or the weighbridge operator, as the case may be, for the purpose of weighing or measuring the vehicle and load; and
- (d) hold the vehicle and its load (if any) stationary in order that the weight or measurement may be ascertained by the Inspector or the weighbridge operator, as the case may be; and
- (e) give such reasonable assistance as is required of him by the Inspector or the weighbridge operator, as the case may be, to enable the weight or measurement to be ascertained; and
- (f) produce any delivery note, bill of lading or other document relating to the load carried on the vehicle; and
- (g) remove any part of any load carried on the vehicle to the extent necessary for the vehicle or any part of the vehicle to comply with any weight, height, length or width restrictions specified in this Regulation for the vehicle or any part of the vehicle in relation to the street or the portion of a street on which it is.

Penalty: A fine not exceeding K100.00.

(2) The owner of a vehicle unloaded under Subsection (1) is responsible for any damage or loss occasioned by or arising out of the unloading.

120. Evidence of weight or measurement.

In a prosecution for an offence against this Part—

- (a) a delivery note, bill of lading or other document that refers to the load or a portion of the load on a vehicle; and
- (b) a marking on the load or a portion of the load that refers to its weight or measurement,

may be received in evidence as evidence of the weight or measurement of the load or the portion of the load, as the case may be.

PART X.—MISCELLANEOUS MATTERS RELATING TO THE CONSTRUCTION, ETC., OF VEHICLES.

121. Prevention of noise.

A person who, on a public street—

- (a) drives, or permits a person to drive, a motor vehicle—
 - (i) that does not have an efficient silencer affixed to its exhaust pipe and used in such a manner that the exhaust is projected through it; or
 - (ii) that causes undue noise by—
 - (A) being in a state of disrepair; or

- (B) the manner in which it is loaded; or
- (C) the construction or condition of the adjustment of its machinery; or
- (D) the construction or condition of the adjustment of its silencer; or

- (b) makes, or permits to be made, any unnecessary noise with the horn or other means of alarm of a motor vehicle otherwise than as is necessary to give a warning of danger,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

122. Horns, exhausts, steering gear, brakes, etc.

(1) A person must not drive, or permit a person to drive, a motor vehicle on a public street—

- (a) if it is not fitted, in a convenient position, with a horn or other alarm in good working order and giving sufficient warning of the presence of the vehicle; or
- (b) if it has attached to it except with the written approval of the Superintendent, an exhaust whistle, compression whistle siren horn, twin or multi-tone horn, siren, or twin or multi-tone or other device capable of producing a sound resembling that produced by such a whistle horn; or
- (c) if, in the case of a vehicle equipped with a windscreen, it is not fitted with a windscreen wiper; or
- (d) if its steering gear is so constructed or kept in such a condition that the amount of movement from left to right or from right to left made by the steering before the steering wheel becomes effective to change the direction of the motor vehicle, whilst the wheels are on the ground, is more than—
 - (i) 75mm where the steering wheel of the vehicle is not more than 450mm in diameter; or
 - (ii) 100mm where the steering wheel of the vehicle is more than 450mm and not more than 500mm in diameter; or
 - (iii) 125mm where the steering wheel of the vehicle is more than 500mm in diameter; or
- (e) if it is not fitted with the brakes prescribed by Part II of Schedule 3, in good working order and capable—
 - (i) in the case of foot brakes, of—
 - (A) stopping the vehicle within a reasonable distance; and
 - (B) if a trailer is attached—holding the vehicle and the trailer, taking into consideration any load; and
 - (ii) in the case of hand brakes, of—
 - (A) being operated by the driver; and
 - (B) stopping two wheels of the vehicle from revolving; and
 - (C) being so set as to hold the vehicle in a stationary position when not being driven or when left unattended; or

(f) if it is not fitted with tyres that—

- (i) have a clearly visible tread pattern on all parts that normally come into contact with the road surface; and
- (ii) have rims of a size and capacity sufficient to carry the total weight of the vehicle and its load; and
- (iii) are free from any apparent defect likely—

(A) to make the use of the vehicle unsafe; or

(B) to result in injury to any person or damage to any goods in or on the vehicle; and

- (iv) unless authorized in writing by the Superintendent in Form 26, are without cleats or any other gripping device of a type likely to cause damage, other than normal wear and tear, to public streets; or

(g) subject to Paragraph (b), if it is not fitted with a mirror or mirrors so designed and fitted as to enable the driver of the vehicle, while retaining his normal driving position, to obtain a clear reflected view of any overtaking vehicle; or

(b) in the case of a vehicle to which, by virtue of Subsection (4), this paragraph applies—if there is not fitted to the outside of the vehicle a mirror so designed and fitted as to enable the driver to have, while retaining his normal driving position, a clear reflected view of any overtaking vehicle.

Penalty: A fine not exceeding K100.00.

(2) (*Repealed*).

(3) The fee for an authorization under Subsection (1)(f)(iv) is as prescribed by Schedule 10.

(4) Subsection (1)(b) applies to a motor vehicle—

(a) that (not being a station wagon) is constructed for the carriage of goods; or

(b) that is licensed under an Act to carry eight or more passengers for hire or reward; or

(c) that is such that, because of—

(i) the manner in which it is constructed, equipped or loaded; or

(ii) the fact that it is drawing a trailer, or for any other reason, the driver cannot obtain, by means of a mirror affixed to the inside of the vehicle, a clear reflected view of any overtaking vehicle.

(Amended by No. 33 of 1979, s. 3.)

123. Trailers.

A person who drives, or permits a person to drive, on a public street a motor vehicle that—

(a) has more than one trailer attached to it; or

(b) has a trailer attached to it, unless—

(i) the trailer is securely fastened close to the rear of the vehicle; and

- (ii) when the vehicle is being driven between the hours of sunset and sunrise, a lamp is affixed on the rear of the trailer so as to reflect on the registered number of the trailer; and
- (iii) the trailer does not exceed 2.45m in width, measured between its extreme projecting points,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

124. Examination and testing of certain vehicles¹.

(1) If a member of the Police Force or an Inspector has reasonable cause to suspect that a vehicle—

- (a) has been involved in an accident; or
- (b) has been driven on a road recklessly or at a speed or in a manner that is dangerous to the public; or
- (c) has been stolen or taken without the consent of the owner,

and is on any land or premises, he may enter the land or premises, and search for the vehicle and examine and test it if found.

(2) If a member of the Police Force or an Inspector has reasonable cause to suspect that a motor vehicle does not comply with any requirement of the Act or this Regulation, he may—

- (a) require the owner or person in charge of the vehicle to produce it to him or to a person named by him for the purpose of being tested; and
- (b) for that purpose remove the vehicle to the nearest convenient place where it can be tested; and
- (c) detain the vehicle for such time as is necessary for testing it.

(3) If when required under Subsection (2)(a) to produce a vehicle, the owner or person in charge of the vehicle does not produce—

- (a) the vehicle; and
- (b) any key or other device necessary for starting the engine,

he is guilty of an offence.

Penalty: A fine not less than K50.00 and not exceeding K100.00.

(Amended by No. 20 of 1981, s. 5.)

125. Defect notices and labels.

(1) If a member of the Police Force, or a person authorized by the Superintendent to inspect motor vehicles, finds on inspecting a motor vehicle that it—

- (a) is not suitable for safe use; or
- (b) does not, or its parts and equipment do not, comply with the requirements of this Regulation,

he may issue to the owner or person in charge of the vehicle a defect notice in Form 27.

¹See, also, Constitution, Sections 44 and 53.

(2) Where a person issues a defect notice under Subsection (1) he shall affix a defect label in Form 27A to the windscreen or other convenient part of the vehicle in question.

(3) A person who acts contrary to the directions contained in Part A of a defect notice issued under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(Replaced by No. 33 of 1979, s. 1.)

PART XI.—TRAFFIC SIGNS AND LINES.

126. Interpretation of Part XI.

(1) In this Part—

“lane line” means a line marked, by means of studs, plates, markers, paint, lacquer or a plastic substance, or similar objects or material, along the carriageway of a public street to indicate the boundary of a traffic lane;

“separation lines” means a pair of lines—

(a) both of which are unbroken; or

(b) one of which is broken and the other unbroken, marked, by means of studs, plates, markers, paint, lacquer or a plastic substance, or similar objects or material, in close proximity to each other along the carriageway on or near the centre line or to one side of the centre line;

“stop line”, in relation to a motor vehicle facing a traffic control light, signal or sign displaying the word “Halt” or the word “Stop”, means, subject to Subsection (2), a broken line marked—

(a) in yellow by painting or a similar process; or

(b) by metal markers,

across or partly across the carriageway of a public street at, or near, the position at which the light, signal or sign is erected;

“traffic lane” means a laneway for the passage of vehicles marked along the carriageway, the boundaries of which laneway are indicated by means of studs,

plates, markers, paint, lacquer or a plastic substance, or similar objects or material, and includes any such laneway where one boundary is so indicated and the other is a lateral edge of the carriageway or of an island, strip, platform, plot or other division in the carriageway;

"traffic sign" means a sign referred to in this Part.

(2) Where two or more lines referred to in the definition "stop line" in Subsection (1) are marked, the line nearer or nearest to the vehicle concerned is the stop line.

127. Traffic signs.

(1) Unless otherwise prescribed in this Regulation, the words prescribed by this section shall be in letters not less than 100mm high.

(2) A stop sign is a circular or octagonal sign, with the word "STOP" in white letters on a red background.

(3) A give way sign is an equilateral triangle with one point downward, with the words "GIVE WAY" in white letters on a red background.

(4) A no entry sign is—

- (a) a rectangular sign about 300mm by 450mm, the longer sides being vertical, with the words "NO ENTRY" in black letters on a white background; or
- (b) a circular sign with the words "NO ENTRY" in black letters on a yellow background.

(5) A no overtaking sign is—

- (a) a rectangular sign about 600mm by 450mm, the longer sides being vertical, with the words "NO OVERTAKING" or "NO PASSING", in black letters on a white background; or
- (b) a circular sign, with the words "NO OVERTAKING" in black letters on a yellow background.

(6) A no parking sign is—

- (a) a circular sign, with the words "NO PARKING" in black letters on a yellow background; or
- (b) a rectangular sign about 450mm by 300mm, the longer sides being vertical, with the words "NO PARKING" in red, green or black letters on a white background,

and with such other words and figures as are appropriate to indicate the relevant prohibition or permission, or other information required.

(7) A no standing sign is a rectangular sign about 450mm by 300mm, the longer sides being vertical, with—

- (a) the words "NO STANDING" in red, green or black letters on a white background; and
- (b) such other words and figures as are appropriate to indicate the relevant prohibition or permission, or other information required.

(8) A one way sign is—

- (a) a rectangular sign about 900mm by 300mm, the longer sides being horizontal, with a bold white arrow and the words "ONE WAY" in black letters within the arrow on a black background; or

- (b) a circular sign, with—
 - (i) the words "ONE WAY TRAFFIC" in black letters on a yellow background; and
 - (ii) an arrow indicating the direction in which the traffic may proceed.
- (9) A keep left sign is—
 - (a) a rectangular sign about 300mm by 450mm, the longer sides being vertical, with—
 - (i) the words "KEEP LEFT" in black letters on a white background; and
 - (ii) where desired, a directional arrow below the letters; or
 - (b) a circular sign, with—
 - (i) the words "KEEP LEFT" in black letters; and
 - (ii) a directional black arrow, on a yellow background.
- (10) A hospital sign is—
 - (a) a diamond-shaped sign, being a square mounted with one diagonal vertical and having sides about 600mm long, outlined with a narrow black border at or near the edge of the signplate, with the word "HOSPITAL" in black letters on a yellow background; or
 - (b) a circular sign, with the words "HOSPITAL DRIVE QUIETLY" in black letters on a yellow background.
- (11) A school sign is—
 - (a) a diamond-shaped sign, being a square mounted with one diagonal vertical and having sides about 600mm long, outlined with a narrow black border at or near the edge of the signplate, with the word "SCHOOL" in black letters on a yellow background; or
 - (b) a circular sign, with the word "SCHOOL" in black letters on a yellow background.
- (12) A school crossing ahead sign is a diamond-shaped sign, being a square mounted with one diagonal vertical and having sides about 600mm long, outlined with a narrow black border at or near the edge of the signplate, with the words "SCHOOL CROSSING AHEAD" in black letters on a yellow background.
- (13) A children crossing sign is a red flag, with the words "CHILDREN CROSSING" in white letters.
- (14) A speed limit sign is—
 - (a) a rectangular sign about 400mm by 600mm, the longer sides being vertical, with black figures on a white background; or
 - (b) a circular sign, with black figures on a yellow background,the figures indicating the maximum speed at which vehicles may be driven between the sign and the next speed limit sign.
- (15) A stock crossing sign is a diamond-shaped sign, being a square mounted with one diagonal vertical and having sides about 600mm long, outlined with a black border at or near the edge of the signplate, with the words "STOCK CROSSING" in black letters on a yellow background.

(16) A sign referred to in this section may contain, in addition to the prescribed words, a statement of their meaning in a vernacular so placed as not to obscure the prescribed words.

(17) The Superintendent may approve the use of any signs, the standard specifications for which are set out in AS CE 1-1960, S.A.A. *Road Signs Code*¹, in addition to those prescribed in the preceding provisions of this section, if he is of the opinion that such signs are necessary for public safety.

128. Control light signals.

(1) In this section "pedestrian control signal" means a signal of a kind referred to in Subsection (11), (12) or (13).

(2) The Superintendent may erect or authorize the erection of signs in the form of traffic control light signals for the guidance of the drivers of motor vehicles and pedestrians.

(3) The display by a traffic control light signal of a green circle is a direction that—

(a) a driver facing the signal may—

(i) subject to the Act and this Regulation, proceed straight ahead, turn right or turn left, as the case may be; and

(ii) where such a turn may be made with safety to the public, turn right or turn left, as the case may be, even though a signal is displaying a red circle in respect of the carriageway that he is about to enter; and

(b) a pedestrian facing the signal may, subject to the Act and this Regulation and in the absence of pedestrian control signals, leave the kerb and proceed straight ahead.

(4) The display by a traffic control light signal of a green arrow is a direction that a driver facing the signal may, subject to the Act and this Regulation and notwithstanding that the signal may also be displaying a red circle—

(a) proceed in the direction indicated by the arrow; and

(b) where the movement may be made with safety to the public, proceed even though a signal is displaying a red circle in respect of the carriageway that he is about to enter.

(5) The display by a traffic control light signal of a steady amber circle is a direction that—

(a) a driver facing the signal shall not—

(i) in the case of a signal erected at or near an intersection or junction—

(A) proceed beyond the stop line in respect of the signal; or

(B) if there is no stop line, enter the intersection or junction,

unless when the amber circle first appears his vehicle is so close to the stop line, or if there is no stop line the intersection or junction, that he cannot safely stop his vehicle before passing the stop line or entering the intersection or junction, as the case may be; or

(ii) in any other case, proceed beyond—

(A) the stop line in respect of the signal; or

¹ Superseded by AS 1742 Part 1—1975, *Australian Standard Manual of Uniform Traffic Control Devices*.

(B) if there is no stop line, the signal nearest to him on the left-hand side,

unless when the amber circle first appears his vehicle is so close to the stop line, or if there is no stop line the last-mentioned signal, that he cannot safely stop his vehicle before passing the stop line or signal, as the case may be; and

(b) a pedestrian facing the signal shall not, in the absence of pedestrian control signals, leave the kerb.

(6) The display by a traffic control light signal of a steady amber arrow is a direction that a driver facing the signal shall not, for the purpose of proceeding in a direction indicated by the arrow—

(a) proceed beyond the stop line in respect of the signal; or

(b) if there is no stop line, enter the intersection or junction,

unless when the amber arrow first appears his vehicle is so close to the stop line, or if there is no stop line the intersection or junction, that he cannot safely stop his vehicle before passing the stop line or entering the intersection or junction, as the case may be.

(7) The display by a traffic control light signal of a steady red circle is, subject to Subsection (3), a direction that—

(a) a driver facing the signal shall not—

(i) in the case of a signal erected at or near an intersection or junction—

(A) proceed beyond the stop line in respect of the signal; or

(B) if there is no stop line, enter the intersection or junction; or

(ii) in any other case, proceed beyond—

(A) the stop line in respect of the signal; or

(B) if there is no stop line, the signal nearest to him on the left-hand side; and

(b) a pedestrian facing the signal shall not, in the absence of pedestrian control signals, leave the kerb.

(8) The display by a traffic control light signal of a steady red arrow is a direction that a driver facing the signal shall not, for the purpose of proceeding in a direction indicated by the arrow—

(a) proceed beyond the stop line in respect of the signal; or

(b) if there is no stop line, enter the intersection or junction.

(9) The display by a traffic control light signal of a flashing amber circle or arrow is a direction that—

(a) a driver facing the signal may, where it can be done with safety to the public, proceed straight ahead, turn right or turn left, as the case may be; and

(b) a pedestrian facing the signal may, in the absence of pedestrian control signals, leave the kerb and proceed straight ahead.

(10) The display by a traffic control light signal of a flashing red circle or arrow is a direction that—

(a) a driver facing the signal shall not—

(i) in the case of a signal erected at or near an intersection or junction—

(A) proceed beyond the stop line in respect of the signal; or

- (B) if there is no stop line, enter the intersection or junction; or
 - (ii) in any other case, proceed beyond—
 - (A) the stop line in respect of the signal; or
 - (B) if there is no stop line, the signal nearest to him on the left-hand side; and
 - (b) a pedestrian facing the signal shall not, in the absence of pedestrian control signals, leave the kerb.
- (11) The display by a traffic control light signal of a green "GO" sign or a green symbol of a walking man is a direction that a pedestrian facing the signal may, subject to the Act and this Regulation, proceed straight ahead. (*Amended by No. 34 of 1977, s. 8.*)
- (12) The display by a traffic control light signal of a red "WAIT" sign or a red symbol of a standing man is a direction that a pedestrian facing the signal shall not leave the kerb. (*Amended by No. 34 of 1977, s. 8.*)
- (13) The display by a traffic control light signal of a flashing "WAIT" sign is a direction that a pedestrian facing the signal shall not leave the kerb.
- (14) Where a traffic control light signal displays an arrow pointing upwards, the arrow shall, for the purposes of this section, be deemed to indicate the direction in which a vehicle facing the signal would proceed if it moved ahead without turning left or right.

129. Offences in relation to traffic signs generally.

- (1) A person who drives a motor vehicle on a public street—
 - (a) when approaching an intersection or junction where a stop sign is exhibited, and fails to stop his vehicle as near as is safely practicable to, and before entering on, the intersection or junction; or
 - (b) where a stop line is exhibited, and fails to stop behind the stop line before crossing it; or
 - (c) where a give way sign is exhibited to face the driver approaching a one-lane bridge, and fails to give way to every vehicle on the bridge or approaching it from the opposite direction; or
 - (d) where a give way sign is exhibited to face the driver approaching an intersection or joining carriageway, and fails to give way to every vehicle travelling along or turning from or into the intersection or joining carriageway; or
 - (e) contrary to a no entry sign; or
 - (f) where a no overtaking sign is exhibited, and overtakes a vehicle; or
 - (g) where a one way traffic sign is exhibited, in the opposite direction to that indicated on the sign; or
 - (h) where a keep left sign is exhibited, and fails to keep left; or
 - (i) where a hospital sign is exhibited, and creates an unnecessary noise; or
 - (j) where a speed limit sign is exhibited, and drives in excess of the speed limit indicated by the sign; or
 - (k) on which there is a pedestrian crossing and—
 - (i) drives through the crossing at a speed in excess of 25km/h; or
 - (ii) fails to stop to allow a person on the crossing to cross; or

- (iii) passes or overtakes a motor vehicle passing through or stationary at the crossing; or
- (iv) approaches the crossing at such a speed that he is unable to stop or to reduce speed to 25km/h, as the case requires; or
- (l) where a stock crossing sign is exhibited, and fails to give way to sheep or cattle on the street; or
- (m) where a children crossing sign is exhibited on both sides of the street and—
 - (i) drives through the crossing at a speed in excess of 25km/h; or
 - (ii) fails to stop to allow any person who wishes to cross between the flags to do so; or
 - (iii) fails to remain stationary until all children crossing the street have completed the passage of the crossing; or
 - (iv) passes or overtakes a motor vehicle passing through, or stationary at, the crossing; or
- (n) where any other sign prescribed under Section 127 or 128 is exhibited, and fails to comply with a direction on the sign,

is guilty of an offence.

(2) Subject to Subsections (3) and (4), a driver of a motor vehicle or a pedestrian who disobeys or fails to comply with the direction of a traffic control light signal referred to in Section 128 is guilty of an offence.

(3) A pedestrian who disobeys or fails to comply with the direction of any pedestrian control signal referred to in Section 128 is guilty of an offence.

(4) Where pedestrian control signals and other traffic control light signals are both erected at an intersection, junction or other place, a pedestrian must comply with the direction of the pedestrian control signal.

Penalty: A fine not exceeding K100.00.

130. Unauthorized signs.

A person other than the Superintendent or a person authorized by the Superintendent who—

- (a) erects, displays or causes to be erected or displayed a sign, device or notice purporting to be a traffic sign; or
- (b) removes, alters, destroys, defaces or interferes with a traffic sign,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

131. Traffic lines.

(1) Subject to Subsections (2) and (3), a person who drives a motor vehicle on a public street and—

- (a) where there are separation lines, both of which are unbroken—fails to keep them on the right-hand side of his vehicle; and
- (b) where—
 - (i) there are separation lines, one of which is broken and the other unbroken; and

- (ii) the unbroken line is between the broken line and the boundary of the carriageway that is on his left,
fails to keep the unbroken line on the right-hand side of his vehicle; or
 - (c) when travelling along a traffic lane at a point where a boundary of the lane is a single unbroken line—crosses or straddles the line; or
 - (d) when travelling along a traffic lane—fails to keep his vehicle and any load on it wholly within the lane, unless he may lawfully do otherwise under this Regulation; or
 - (e) crosses a lane line or fails to keep a separation line on the right-hand side of the vehicle, unless he can do so with safety to the public,
- is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) It is not an offence against Subsection (1) for a person—

- (a) to drive with a separation line on the left-hand side of his vehicle, or to cross a lane line or separation line, in conformity with any direction in or on—
 - (i) a standard, notice or device erected or displayed under this Regulation; or
 - (ii) any other marking on the roadway; or
- (b) to cross a lane line or separation line when turning his vehicle—
 - (i) to his right or left from one public street into another, at an intersection, in conformity with the Act and this Regulation; or
 - (ii) to his right—
 - (A) at a point where he is leaving by the shortest route the street in which he is driving; or
 - (B) when entering by the shortest route the street in which he intends to drive.

(3) Subsection (1)(c), (d) and (e) do not apply where the only longitudinal marking on the carriageway of a public street consists of a single broken or unbroken line on or near the centre line of the carriageway.

132. Parking and standing restrictions.

(1) The Superintendent may, by means of a sign erected under this Part, regulate or restrict the parking or standing of vehicles, or of certain vehicles or classes of vehicles, in a public street or place or a part of a public street or place.

(2) A person who parks or stands a motor vehicle, or causes or permits a motor vehicle to be parked or to stand, in contravention of a sign referred to in Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K20.00.

PART XII.—SPEED LIMITS.

133. General speed limits.

- (1) Subject to Subsection (2), a person who drives a motor vehicle on a public street—
 - (a) in a town—at a speed greater than 50km/h; or

(b) outside a town—at a speed greater than 65km/h, except where a greater speed is permitted by a speed limit sign under Part XI., is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(2) Subsection (1) does not apply in respect of a motor vehicle that—

(a) is carrying a member of the Police Force on urgent duty; or

(b) is a fire engine or other similar vehicle on urgent duty; or

(c) is an ambulance on urgent duty; or

(d) is a Red Cross vehicle conveying blood for an urgent transfusion,

if the driver of the vehicle gives the best practicable warning to enable way to be made for it.

134. Speed on intersections.

A person who drives a motor vehicle at the approaches to, or on, an intersection of two public streets at a speed greater than 25km/h is guilty of an offence.

Penalty: A fine not exceeding K50.00.

135. Speed past schools and play-grounds.

(1) Subject to Subsection (2), a person who drives or rides a motor vehicle or animal at a speed greater than 25km/h while passing a school, school play-ground or children's play-ground at a time when children are going into or coming out of the school or play-ground is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) A person shall not be convicted of an offence against Subsection (1) unless the prosecution proves that on or near the road on which the defendant drove or rode a vehicle or animal there was a sign bearing in clear letters the word "School", "School Play-ground" or "Children's Play-ground" erected in such a position as to give reasonable warning to the defendant of the existence of the school or play-ground.

136. Speed-measuring and time-measuring devices.

(1) In this section—

"authorized testing officer" means a technician having experience or training in radar equipment;

"speed-measuring device" means a speed-measuring device prescribed in Subsection (2).

(2) For the purposes of Section 46 of the Act, the prescribed speed-measuring device is the Kustom HR5 hand-held traffic radar system or speed-measuring device.

(3) Every speed-measuring device for determining the speed at which a motor vehicle travels shall be tested for accuracy and sealed, in accordance with Subsection (4), by an authorized testing officer—

(a) before being first used; and

(b) afterwards, at least once in each six months.

(4) The seal on a speed-measuring device that has passed the test for accuracy shall be a seal that effectively prevents the mechanism of the device being tampered with or interfered with without the seal being broken.

(5) If after the sealing of a speed-measuring device in accordance with Subsection (3) any repair, alteration or adjustment to its mechanism is affected, it shall again be tested for accuracy and sealed by an authorized testing officer.

(6) Full and accurate records of all speed-measuring devices tested and sealed shall be kept by the authorized testing officer in a book provided for the purpose, giving in each case—

- (a) the identifying number of the device; and
- (b) the dates on which tests were made; and
- (c) the results of the tests; and
- (d) the signatures of the persons conducting the tests.

(7) The production of a certificate signed by an authorized testing officer is *prima facie* evidence of—

- (a) the testing and sealing of the speed-measuring device referred to in the certificate; and
- (b) the accuracy of the device.

(8) A person who, without proper authority, wilfully tampers or interferes with the mechanism of a speed-measuring device is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(9) For the purposes of this section, a certificate of—

- (a) approval for speed measuring or time measuring devices shall be in Form 34; and
- (b) accuracy of speed measuring or time measuring device shall be in Form 35; and
- (c) authority to test a speed measuring or time measuring device shall be in Form 36.

(Replaced by No. 29 of 1984.)

PART XIII.—TRAFFIC RULES GENERALLY.

137. General rules.

(1) In this section, "footpath" includes, where a footpath is not defined or is not clearly defined, the portion of the street on the left of the carriageway of the street.

(2) The driver of a motor vehicle on a public street must—

- (a) except when travelling within one of a number of traffic lanes available for traffic proceeding in the same direction as that in which the vehicle is being driven, keep the vehicle as near as practicable to the footpath on his left-hand side; and
- (b) when meeting a horse or vehicle, pass with it on his right-hand side; and
- (c) subject to Subsection (4), when overtaking a horse or vehicle—
 - (i) pass with it on his left-hand side; and

- (ii) not cross over to the left-hand side of the street until his vehicle is clear of the horse or vehicle; and
 - (d) before stopping, drive the vehicle close to the footpath on his left-hand side; and
 - (e) subject to Subsection (3), when he is about to stop or reduce speed—
 - (i) raise his right hand in such a manner as to be visible to any person immediately following; or
 - (ii) give such other signal as is prescribed; and
 - (f) comply with any directions given by a member of the Police Force as to—
 - (i) the manner of approaching and departing from any place; or
 - (ii) the manner of taking up or setting down passengers, or of loading or unloading goods; or
 - (iii) the regulation of traffic; and
 - (g) when necessary, give, by sounding a bell, horn or other alarm, sufficient warning of the approach of the vehicle to any person walking, riding or driving on a public street; and
 - (h) when his vehicle is in a position where it is likely to obstruct an overtaking vehicle, and whether or not the horn or alarm of the overtaking vehicle has been sounded, cause his vehicle to move to the left, as soon as he can do so with safety, so as to allow the overtaking vehicle a reasonable space in which to pass; and
 - (i) when he is overtaken by another vehicle, not deviate to his right or increase the speed of his vehicle until the overtaking vehicle has had a reasonable opportunity to pass and draw clear of his vehicle; and
 - (j) exercise due care not to splash mud or water on any person—
 - (i) in or on, or entering or leaving, a stationary vehicle; or
 - (ii) crossing a public street.
- (3) The driver of a motor vehicle is not required to observe Subsection (2)(e) if there is fixed to the rear of the vehicle, in such a position as to be visible to any person immediately following, a lamp or other apparatus that clearly indicates to a person following that he is about to stop or reduce speed; as the case may be.
- (4) The driver of a motor vehicle on a public street—
- (a) must, when overtaking a vehicle or horse the driver or rider of which has signalled his intention to turn to the right, pass on its left-hand side; and
 - (b) when overtaking a vehicle or horse travelling along a traffic lane on his right-hand side, may remain in the left-hand lane and pass the vehicle or horse on its left-hand side.
- (5) When the driver of a motor vehicle on a public street is about to turn or diverge to the right, he must, when he is at least 30m from the point at which it is intended to turn or diverge—
- (a) draw his vehicle out towards his right, to a point just to the left of the centre-line of the carriageway; and

- (b) give a clear signal of his intention to turn or diverge to the right—
 - (i) by extending his right arm and his hand, with the palm turned to the front, and holding them in a horizontal position straight out on the right-hand side of the vehicle; or
 - (ii) by giving a "Turn Right" signal by means of a flashing light turn signal of a type described in Schedule 4; and
 - (c) continue to give the signal required by Paragraph (b) for so long as is necessary to give to other users of the road a clear indication of his intention to turn or diverge to the right; and
 - (d) before turning to the right from one public street into another, drive parallel to the footpath and as near as possible to the left-hand side of the centre of the street that he is leaving until he is past the centre of the intersection of the two streets.
- (6) When the driver of a motor vehicle on a public street is about to turn or diverge to the left, he must—
- (a) when he is at least 30m from the point at which it is intended to turn—
 - (i) give a signal in accordance with Subsection (2)(e); or
 - (ii) give a "Turn Left" signal by means of a flashing light turn signal of a type described in Schedule 4; and
 - (b) drive his vehicle in such a way that when it reaches the point at which it is intended to turn—
 - (i) the vehicle is—
 - (A) on the left-hand side of any vehicle proceeding in the same direction; and
 - (B) as near as practicable to the left-hand boundary of the carriageway; or
 - (ii) if he is—
 - (A) in a traffic lane in respect of which there is erected or displayed a sign; or
 - (B) on a carriageway on which there is marked a directional arrow or other road marking,

indicating that traffic proceeding in the same direction as his vehicle may make a left-hand turn from that lane—the vehicle may make such a left-hand turn; and
 - (c) take adequate precautions to avoid any danger of his vehicle colliding with any pedestrian who, or any vehicle or animal that, is on any portion of the intersection of the streets.
- (7) The driver of a motor vehicle on a public street must not—
- (a) wilfully stop—
 - (i) between the footpath and the near side of any vehicle that is stopped for the purpose of taking up or setting down passengers or goods; or
 - (ii) opposite the entrance to a public street; or
 - (iii) across a passage, thoroughfare or foot-crossing; or
 - (iv) on the intersection of a public street; or

- (b) except in a place where a notice is exhibited indicating that angle parking is permitted—stand his vehicle, or cause or permit his vehicle to stand, on a one-way street unless it is—
 - (i) as near as practicable to and parallel with a boundary of the carriageway; and
 - (ii) facing the direction in which the traffic is allowed to proceed; or
- (c) except—
 - (i) in a one-way street; or
 - (ii) in a place in which a notice is exhibited indicating that angle parking is permitted,
stand his vehicle, or cause or permit his vehicle to stand, in the street unless it is as near as practicable to and parallel with the boundary of the carriageway that is on the left-hand side of the vehicle; or
- (d) where a notice is exhibited indicating that angle parking is permitted—stand his vehicle, or cause or permit his vehicle to stand, in the street unless it is placed at an angle of 45° , or at such other angle as is indicated by the notice, to the boundary of the carriageway, and as near as practicable to the boundary; or
- (e) stand his vehicle, or cause or permit his vehicle to stand, abreast of any other vehicle unless—
 - (i) he is directed to do so by a member of the Police Force in the course of his duty; or
 - (ii) a notice is exhibited indicating that angle parking is permitted; or
- (f) stand his vehicle, or cause or permit his vehicle to stand, less than 1m from any other vehicle unless the other vehicle is parked at an angle to the boundary of the carriageway in a place as to which a notice is displayed indicating that angle parking is permitted; or
- (g) stand his vehicle, or cause or permit his vehicle to stand, so that it is within a distance of 6m on the approach side of a pedestrian crossing; or
- (h) stand his vehicle, or cause or permit his vehicle to stand, within a distance of 4m from any separation lines marked along the carriageway of the street; or
- (i) stand his vehicle, or cause or permit his vehicle to stand, within a distance of 6m measured at right angles from the prolongation of the nearest alignment of any intersecting street; or
- (j) stand his vehicle, or cause or permit his vehicle to stand, in such a way that any portion of it is on the carriageway in a position where, by reason of any grade or curve in the street, the driver or rider of a vehicle or horse approaching it from the rear will not have a clear view of it for a distance of at least 50m; or
- (k) leave his vehicle without having taken due precautions against its being started in his absence; or
- (l) permit any person to drive his vehicle without the consent of the owner; or
- (m) cause his vehicle to travel backwards for a greater distance or time than is required for safety or reasonable convenience; or

- (n) while driving his vehicle, be in such a position that he has not full control of it or has not a clear view of the traffic; or
- (o) cause or permit an undue amount of smoke to be emitted from any part of his vehicle; or
- (p) race with another vehicle.

(8) The driver of a motor vehicle must not go on a public street that is closed against traffic.

(9) When two motor vehicles are approaching an intersection or junction, the driver of the vehicle having the other on its right must give way to the other vehicle.

Penalty: A fine not exceeding K50.00.

138. Obstruction of traffic.

(1) The driver of a motor vehicle on a public street must not wilfully or negligently obstruct, hinder or prevent the free passage of any person, vehicle, horse or cattle.

(2) A person who causes or permits a vehicle to stand on a public street in such a position as to obstruct traffic or unreasonably cause inconvenience to any person is guilty of an offence.

(3) A person who causes or permits an obstacle to be placed in a public street in such a position as to obstruct traffic or unreasonably cause inconvenience to any person is guilty of an offence.

Penalty: A fine not exceeding K100.00.

139. Making way for emergency vehicles.

At the sounding of a siren or horn on the approach of, and during the passage of—

- (a) a motor vehicle apparently conveying a member of the Police Force on urgent duty; or
- (b) a fire engine or other similar vehicle apparently proceeding on urgent duty; or
- (c) an ambulance apparently proceeding on urgent duty; or
- (d) a Red Cross vehicle apparently proceeding on urgent duty,

any person driving a motor vehicle on a public street must cause his vehicle—

- (e) to be drawn as near as practicable to and parallel with the boundary of the carriageway on his left-hand side; and
- (f) to be brought to a standstill; and
- (g) to remain stationary as long as is reasonably necessary.

Penalty: A fine not exceeding K100.00.

140. Left-hand drive vehicles.

A person who drives, or causes or permits a person to drive, on a public street a motor vehicle with left-hand drive—

- (a) without having the words 'left-hand drive' clearly painted in letters at least 75mm high on the rear of the vehicle; or
- (b) that is not fitted with—
 - (i) a flashing light turn signal as described in Schedule 4; or

- (ii) a "Turn Right" signalling device that can be operated by the driver to signify an intention of turning to the right in the same manner as a driver extending his right arm in accordance with Section 137(5),

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

141. Towing.

(1) A person who drives on a public street a motor vehicle that has a vehicle (not being a trailer) attached to it for the purpose of being towed—

- (a) so that the space between the vehicles exceeds 4m; or
- (b) when the vehicle towed is a motor vehicle not supported by the towing vehicle—without a competent person in charge of the vehicle towed; and
- (c) where the two vehicles are joined by means of a tow-rope, chain or wire—without a conspicuous piece of red cloth tied midway between both vehicles; or
- (d) between sunset and sunrise—without a lighted lamp fixed at the rear of the vehicle being towed; or
- (e) with the towed vehicle so attached to the towing vehicle as to force the towed vehicle to deviate from the route taken by the towing vehicle,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) A person must not tow agricultural machinery on a public street within a town without the prior written permission of the Superintendent or an Inspector of Motor Traffic, which permission is subject to any instructions or directions given by the Superintendent or the Inspector giving it.

Penalty: A fine not exceeding K500.00.

(Amended by Act No. 4 of 1981, s. 4.)

142. Fastening of loads.

A person who drives a motor vehicle, or causes or permits a motor vehicle to be driven, on a public street when the load or equipment on the vehicle, or on a trailer drawn by it—

- (a) is insecurely fastened or loaded; or
- (b) is not so arranged, contained or covered that no part of it can fall from the vehicle or trailer,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

143. Width of vehicles.

A person who, without the prior written consent of an Inspector of Motor Traffic, drives, or permits a person to drive, on a public street a motor vehicle that—

- (a) is wider than 2.45m; or
- (b) has a load projecting wider than 2.45m,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

144. Projecting loads, etc.

A person who drives, or permits a person to drive, on a public street a motor vehicle that—

- (a) has any thing projecting more than 1.9m from its rear, unless—
 - (i) between the hours of sunrise and sunset, there is affixed to the projecting end of the thing a conspicuous piece of red material; and
 - (ii) between the hours of sunset and sunrise, there is carried on the projecting end a lighted lamp showing a bright red light; or
- (b) has any thing projecting more than 3m from its rear, unless the written consent of an Inspector of Motor Traffic is first obtained,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

145. Number of passengers.

(1) Subject to Subsection (5), a person who drives, or permits a person to drive, on a public street a motor vehicle, other than a public motor vehicle, carrying a number of passengers in excess of the number permitted to be carried in accordance with Schedule 8 is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(2) Subject to Subsection (5), the Superintendent may—

- (a) cause a motor vehicle, other than a privately-owned motor car or a motor vehicle specified in Schedule 8, to be measured; and
- (b) calculate the number of persons that may be carried in or on the vehicle, or a part of the vehicle, by allowing not less than 0.55m² of clear floor space for each person; and
- (c) subject to this Regulation, authorize the carriage in or on the vehicle, or that part of the vehicle, of a number of persons not exceeding the number calculated in accordance with Paragraph (b).

(3) Subject to Subsection (5), the owner or driver of a motor vehicle the subject of an authorization under Subsection (2) must cause to be painted and maintained in a legible condition on the vehicle, in a position and form approved by the Superintendent, a notice of the number of persons authorized under that subsection to be carried in or on the vehicle or a part of the vehicle.

Penalty: A fine not exceeding K20.00.

(4) Subject to Subsection (5), a person who drives, or permits a person to drive, on a public street a motor vehicle other than a privately-owned motor vehicle—

- (a) in respect of which or a part of which a number of persons is authorized under Subsection (2) to be carried; and
- (b) that carries in or on it, or on that part of it, as the case may be—
 - (i) a number of persons in excess of the number so authorized to be carried; or
 - (ii) a person (other than the driver) and goods, so that less than 0.55m² of clear floor space is available for the person so carried,

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(5) In such circumstances and on such conditions as he thinks proper, the Superintendent may exempt a vehicle from Subsection (1), (2), (3) or (4).

(6) A person who drives, or permits a person to drive, on a public street a motor vehicle to which is attached a "Jeep" trailer, or a trailer of a similar construction, carrying a passenger is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(7) A person who travels as a passenger on a public street in a "Jeep" trailer, or in a trailer of a similar construction, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

(8) A person who drives, or permits a person to drive, on a public street a motor vehicle carrying a person (other than the driver) in or on a part of the vehicle primarily designed for the carriage of goods is guilty of an offence unless—

(a) at least 50% of the vehicle is free of goods; and

(b) sufficient room is provided per passenger as prescribed in this Regulation.

Penalty: A fine not exceeding K50.00.

146. Passengers standing, etc., in motor trucks.

(1) A person who drives, or permits a person to drive, on a public street a motor truck while any person is standing in it is guilty of an offence.

(2) A person who stands in a motor truck while it is being driven on a public street is guilty of an offence.

Penalty: A fine not exceeding K20.00.

147. Passengers in tip-trucks.

A person who drives, or permits a person to drive, on a public street a tip-truck carrying a passenger in the tray is guilty of an offence unless—

(a) the truck has a locking device, approved by the Superintendent, fitted to the tipping mechanism; and

(b) that mechanism is kept locked while the passenger is so carried,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

148. Passengers on trays of vehicles.

A person must not drive, or permit a person to drive, on a public street a motor vehicle carrying passengers on the tray unless the tray is fitted with rails, 380mm high above the tray, and so constructed as to—

(a) remain erect under any normal pressure exerted on them; and

(b) prevent any person from falling from the vehicle.

Penalty: A fine not exceeding K50.00.

149. Persons on running boards or partly outside vehicles.

A person who drives, or permits a person to drive, on a public street a motor vehicle—

(a) that is carrying a person on its running board; or

(b) in which a person, without lawful and reasonable excuse, allows part of his body to project beyond the side of the vehicle,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

150. Pillion riders on motor cycles.

(1) In this section, "passenger" means a person, other than the driver, riding on a motor cycle.

(2) Subject to Subsection (3), a person other than the driver must not ride on a motor cycle in a public street.

(3) One passenger may ride on a motor cycle if—

- (a) he rides astride the motor cycle, behind the driver; and
- (b) the motor cycle is equipped with proper footrests for the accommodation of the passenger, and the footrests—
 - (i) are rigidly affixed to the frame of the motor cycle not further than 150mm from the axle of the rear wheel; and
 - (ii) project outwards at right angles to the motor cycle for at least 115mm.

(4) A motor cycle must not be ridden in a public street unless the driver and any passenger are each wearing, securely fastened on his head, a protective helmet of a type approved by the Superintendent.

(5) Where a contravention of Subsection (2) or (4) occurs, the driver and the passenger are each guilty of an offence.

Penalty: A fine not exceeding K20.00.

151. Riding hands-off.

A person must not ride a motor cycle on a public street without having at least one hand on the handle bars in such a position as to have adequate control of the steering.

Penalty: A fine not exceeding K10.00.

PART XIV.—MISCELLANEOUS.

Division 1.—Miscellaneous Offences.

152. Printing of names on trucks.

The owner of a motor truck must—

- (a) cause his name and address to be printed in letters, at least 25mm high, in a conspicuous position on the right-hand side of the truck; and
- (b) at all times maintain the name and address on the truck.

Penalty: A fine not exceeding K20.00.

153. Owner permitting other person to drive.

The owner of a motor vehicle must, before permitting a person to drive the vehicle—

- (a) require the licence of the person to drive a motor vehicle to be produced to him; or
- (b) otherwise satisfy himself that the person is licensed.

Penalty: A fine not exceeding K500.00.

(Amendment by Act No. 4 of 1981, s. 4.)

Division 2.—General.

154. Records.

The Superintendent shall record, or cause to be recorded, in registers to be kept for the purpose at a Motor Vehicles Registry, particulars of—

- (a) registrations of motor vehicles; and
- (b) the issue of certificates and licences.

155. On-the-spot fines.

(1) For the purposes of Section 34(1) of the Act—

- (a) the prescribed offences are the offences described in the first column of Schedule 9 as prescribed in the sections respectively specified in the second column of that Schedule; and
- (b) the penalties for those offences are the penalties respectively prescribed in the third column of that Schedule.

(2) The prescribed form for the purposes of Section 34(1) of the Act is Form 29.

(3) Penalties referred to in Subsection (1) shall be paid to the Officer Commanding the Police Station specified in the notice. (*Added by No. 62 of 1975, s. 11.*)

155A. Prescribed officer.

For the purpose of Section 34A(1) of the Act, a prescribed officer is an Inspector of Motor Traffic.

(*Added by No. 20 of 1981, s. 4.*)

155B. Traffic Infringement Summonses.

(1) For the purposes of Section 34A of the Act, a Traffic Infringement Summons shall be in Form 29A.

(2) For the purposes of Section 34A of the Act—

- (a) the prescribed offences are the offences described in Column 1 of Schedule 9 as prescribed in the sections respectively specified in Column 2 of the Schedule; and
- (b) the penalties for those offences are the penalties respectively prescribed in Column 3 of that Schedule.

(3) For the purpose of any proceedings under this section and notwithstanding any other law, the description of an offence briefly described under Subsection 2(a) shall be deemed to include the offence prescribed in the relevant section of the Act or this Regulation, as the case may be, specified in Column 2 of Schedule 9.

(4) Penalties referred to in Subsection (2) shall be paid to the Clerk of the Court named in the Traffic Infringement Summons.

(*Added by No. 20 of 1981, s. 4.*)

156. Particulars of convictions.

The prescribed officer for the purposes of Section 39 of the Act is the Superintendent.

157. Records of registrations, licences, etc.

(1) The prescribed offices for the purposes of Section 42(1) of the Act are the Motor Vehicles Registries.

(2) The prescribed officer for the purposes of Section 42(2) of the Act is the Superintendent.

158. Seizure of abandoned, etc., vehicles.¹

(1) In this section, "officer-in-charge", in relation to a motor vehicle that is kept or impounded under this section, means the officer who is in charge of the place at which it is so kept or impounded.

(2) A member of the Police Force may seize and take charge of, or cause to be seized and removed, a motor vehicle that—

(a) is a danger to traffic or an unreasonable obstruction to traffic; or

(b) has been abandoned or apparently abandoned,

in a public street, and a motor vehicle so removed may be kept or impounded at any place set apart by the Superintendent for the purpose.

(3) Where a member of the Police Force seizes or removes a motor vehicle under Subsection (2), he shall—

(a) if a person is in charge of the vehicle—

(i) request him to remove the vehicle, or cause it to be removed, immediately; and

(ii) afford him a reasonable opportunity to comply with the request; and

(b) if no person is in charge of the vehicle—make reasonable inquiry for the purpose of locating the owner or driver of the vehicle.

¹See, also, Constitution, Section 53.

(4) The inquiry referred to in Subsection (3)(b) shall be made in the vicinity of the place where the vehicle was found, but Subsection (3) does not require a member of the Police Force to enter a building for the purpose of the inquiry.

(5) If on inquiry under Subsection (3)(b) the owner or driver of the vehicle is found, the member of the Police Force shall—

(a) request him to remove the vehicle, or cause it to be removed, immediately; and

(b) afford him a reasonable opportunity to comply with the request.

(6) On the seizure of a motor vehicle under this section, the Superintendent shall—

(a) where the name and address of the owner of the vehicle are recorded at the Motor Vehicles Registry in respect of the registration of the vehicle—within a period of seven days after the seizure, send or cause to be sent to the owner a notice setting out particulars of—

(i) the time, date and place of the seizure; and

(ii) the place where the vehicle is kept or impounded; and

(b) where the name and address of the owner of the vehicle are not so recorded—

(i) if the owner can, after reasonable inquiry, be found—send to him, or cause to be sent to him, within seven days after the seizure, a notice setting out the particulars referred to in Paragraph (a)(i) and (ii); and

(ii) if the owner cannot, after reasonable inquiry, be found—cause a notice in Form 30, setting out those particulars, to be published in a newspaper published in, and circulating not less frequently than once a week in, the area in which the vehicle was seized.

(7) Except in the case of a motor vehicle that is dealt with under Subsection (8), the following conditions shall be observed before the release of a motor vehicle kept or impounded under this section:—

(a) application in Form 31 for the release, accompanied by a statutory declaration in Form 32, shall be made by the owner of the vehicle, or by a person acting for or on behalf of the owner, to the officer-in-charge; and

(b) the applicant shall furnish evidence, to the satisfaction of the officer-in-charge, as to the ownership of the vehicle; and

(c) the vehicle shall not be released unless—

(i) the officer-in-charge is satisfied that the applicant—

(A) is the owner of the vehicle; or

(B) possesses authority to act for or on behalf of the owner; and

(ii) the appropriate amount fixed by the Superintendent as the amount payable for the costs and expenses incurred in respect of the seizure, taking charge, removal, keeping, impounding and releasing of the vehicle has been paid to the officer-in-charge; and

(iii) the applicant has signed a receipt in Form 33, on a form supplied to him by the officer-in-charge, for the delivery of the vehicle.

(8) If at the end of a period of three months after the date on which the motor vehicle was seized the owner has failed to claim it and to pay the amount referred to in Subsection (7)(c)(ii), the vehicle may be disposed of in accordance with the *Unclaimed Goods Act*.

159. Payment of certain licence fees, registration fees, etc.

(1) Before—

- (a) the registration or the renewal of registration of a motor vehicle; or
- (b) the grant or renewal of a driving licence; or
- (ba) the grant of a certificate of roadworthiness; or
- (c) the grant of a learner's permit; or
- (d) in places to which this paragraph applies¹—the redemption of a licence or provisional licence produced to a court in accordance with Section 37 of the Act,

payment shall be made of the appropriate fee prescribed by Schedule 10.

(Amended by No. 34 of 1977, s. 3 and No. 80 of 1979, s. 5.)

(2) Where—

- (a) a certificate of registration; or
- (b) a trader's plate certificate,

has been surrendered under this Regulation, the Superintendent shall refund to the holder of the certificate an amount equal to one-twelfth of the relevant annual fee for each complete calendar month of the unexpired portion of the certificate.

(3) A fee under this section shall not be charged—

- (a) on the registration of a motor vehicle the property of the State; or
- (b) on the grant or renewal of a licence in a case where—
 - (i) the applicant for the grant or renewal produces to the Superintendent a certificate signed by a Departmental Head, a Superintendent of Police or a Provincial Commissioner that, at the time of the application, he is employed by the State as a driver of a motor vehicle; or
 - (ii) the applicant for the grant or renewal is an officer or employee of the State exempted by a notice by the Head of State, acting on advice, from payment of the fee chargeable on the grant or renewal of a licence.

¹See definition "places to which this paragraph applies".

Motor Traffic

Ch. No. 243

SCHEDULES.

SCHEDULE 1.

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 2.

Form 1.

APPLICATION FOR PERMIT TO LEARN TO DRIVE MOTOR VEHICLE.

Name: . Address:

Description-

Age: . Height: cm.

Eyes: . Hair: . Complexion:

I apply for a permit for the purpose of learning to drive a motor vehicle Class * within
Papua New Guinea, and enclose the sum of K , being the fee.

Amount due:

Dated 19 .

(Signature of Applicant.)

(Signature of Witness.)

Address:

*Insert class of motor vehicle, in accordance with Part I. of Schedule 3 to the *Motor Traffic Regulation*,
for which permit is required.

Motor Traffic

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PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 2(1), 7

Form 2.

APPLICATION FOR LICENCE OR PROVISIONAL LICENCE.

Surname or father's name:		Given names:	
Address—business:		residential:	
Date of birth:	Day	Month	Year
Place of birth:	Village:	Province:	
	Town:	Country:	
Nationality:	Male/Female	Height (cm):	
Class of licence:	Date issued:		
Old licence No.:			

Details

Is there anything wrong with your health which may affect your safe driving? YES/NO

Have you ever been refused a learner's permit or driver's licence anywhere? YES/NO

Has your licence ever been cancelled or suspended? YES/NO

Have you ever been convicted of driving under the influence of intoxicating liquor (drunk driving) or driving under the influence of a drug? YES/NO

Have you ever been convicted of any traffic offence other than parking? YES/NO

TO BE COMPLETED BY HOLDER OF FOREIGN DRIVER'S LICENCE

Issued at: Licence No.: Date of expiry:

Equivalent P.N.G. Class for which licence valid:

CERTIFICATE OF COMPETENCY.

TO BE COMPLETED IN CASES WHERE APPLICANT UNDERTAKES TEST.

Eyesight: Oral/Written knowledge test: Driving Test:

Test done with/without spectacles. Disabilities apparent:

Signature of Testing Officer:

Reg. No.

PASS

FAIL

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Motor Traffic

I, the abovenamed, declare that to the best of my knowledge and belief the above details and answers are true and correct.

(Signature of Applicant.)

(Witness.)

Dated 19 .

Receipt:

Licence No.:

(Replaced by No. 8 of 1979, s. 8.)

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**PAPUA NEW GUINEA.
Motor Traffic Act.**

Reg., Sec. 3.

Form 3.

LEARNER'S PERMIT.
(Available for 3 months only.)

Name: . Address:

Description-

Age: . Height: . cm.

Eyes: . Hair: . Complexion:

The above-mentioned person is permitted to learn to drive a motor vehicle Class* within Papua New Guinea, for three months only from the date of this permit.

Dated 19 .

(Signature of Permit Holder).

Superintendent of Motor Traffic.

Issued subject to the *Motor Traffic Act* and the regulations in force under it. If not suspended or cancelled, this permit must be returned on the date of expiry to the Superintendent of Motor Traffic.

NOTE.—*This Permit must always be carried, and must be produced to any member of the Police Force on demand. When a learner is driving a motor vehicle on a public street, a licensed driver must occupy the seat next to him.*

*Insert class of motor vehicle, in accordance with Part I. of Schedule 3 to the *Motor Traffic Regulation*, for which permit is required.

**PAPUA NEW GUINEA.
Motor Traffic Act.**

Reg., Sec. 4.

Form 4.¹

PROVISIONAL LICENCE TO DRIVE MOTOR VEHICLE CLASS*

Name in full: (in block letters state whether Mr., Mrs., Miss, etc.)

Address in full: (in block letters.)

Temporary address (if any): (in block letters.)

This Licence may be cancelled by the Superintendent if the licensee is convicted of or pays a penalty in respect of any of the offences specified on the reverse of this document, or if he fails to observe any condition of this Licence.

Conditions.

(1) If the numeral (1) is shown under the head "Spectacles" the licensee must wear spectacles or contact lenses while driving.

(Signature of Licensee.)

Date of birth.	Spectacles.	In force until—
----------------	-------------	-----------------

SUBJECT TO THE IMPRINT OF THE CASH REGISTER AND TO ANY CONDITIONS ENDORSED ON THIS LICENCE the person named above is provisionally licensed to drive a motor vehicle Class* . Unless sooner suspended or cancelled, this licence remains in force until the date shown above.

Dated 19 .

Superintendent of Motor Traffic.

* Insert class of motor vehicle, in accordance with Part I of Schedule 3 to the *Motor Traffic Regulation*, for which provisional licence is granted.

¹See Section 4(1A). Form 4 is omitted in places to which Section 4(1A) applies.

Motor Traffic

MEMORANDUM OF CHANGES OF ADDRESS.

Date.	New address.	Entered by—

Motor Traffic Act.

Form 5.

Not Transferable.

Licence No.

Superintendent.

If not renewed, this licence must be returned to the Superintendent within 3 days of expiry.

(Back of Form 5)

[illegible]

Motor Traffic

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CHANGES OF ADDRESS

If you change your address, present your licence to a Motor Traffic Registry within 14 days for endorsement.

Endorsements to be made only by Motor Traffic Registry staff.

New address	Entered by	Date
-------------	------------	------

(Replaced by No. 62 of 1975, s. 12(c).)

Motor Traffic

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PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Secs. 4(1a), 5(1).

Form 5A.¹

PAPUA NEW GUINEA

DRIVER'S LICENCE

Name:

Address:

Issued at:

Restrictions:

Photo of

Licensee.

Signature of licensee:

Place of birth:

Expiration Date

Day Month Year

SUPERINTENDENT OF
TRAFFIC.

Birth Date— Class:

Day Month Year

Licence

No.

RCPT

(Added by No. 8 of 1979, s. 8(c).)

PAPUA NEW GUINEA.

Motor Traffic Act.

Form 6.

REPORT IN CONNECTION WITH APPLICATION FOR LICENCE OR PROVISIONAL
LICENCE.

(Repealed by No. 8 of 1979, s. 8(e).)

¹See footnote to definition "places to which this form applies".

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Motor Traffic

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec., 13.

Form 7.

APPLICATION TO REGISTER MOTOR VEHICLE.

Name:

Postal address:

Residential address:

Description of motor vehicle:

Make

Colour

Model

Engine No.

Body

Chassis No.

Engine capacity (cm³)

Use of vehicle:

Province in which vehicle is to be used:

If vehicle is to be used for commercial purposes state:

Tare weight (kg)

Maximum load (kg)

Has the vehicle previously been registered in Papua New Guinea or overseas?

If answered "yes"

Where registered

Registered number

Name of previous owner

I apply for the registration of the motor vehicle described above and declare that to the best of my knowledge and belief the above details are true and correct.

(Signature of Applicant.)

Witness.

Dated 19

Amount due

Third Party Insurance—K

Registration—K

Total K

(Replaced by No. 62 of 1975, s. 12(d).)

Motor Traffic

Ch. No. 243

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg. Sec. 23.

Form 8.

APPLICATION FOR TRANSFER OF REGISTRATION OF MOTOR VEHICLE.

Name:

Postal address:

Residential address:

Description of vehicle:

Registered number	Colour
Make	Engine No.
Model	Chassis No.
Body	Year of manufacture
Engine capacity (cm ³)	

Use of vehicle:

Commercial vehicles only:

Tare weight (kg)	Maximum load (kg)
------------------	-------------------

I apply to have the registration of the motor vehicle described above transferred to me and I certify that to the best of my knowledge and belief the details shown on this form are true and correct.

(Signature of Applicant.)

Witness.

Dated 19 .

(Replaced by No. 62 of 1975, s. 12(g).)

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg. Sec. 13(1A).

Form 8A.

CERTIFICATE OF ROADWORTHINESS.

Vehicle No.:

Make:	Type:	Manufacturer's power rating in c.c.:
-------	-------	--------------------------------------

Engine No.:	Tyres:	Country of origin:
-------------	--------	--------------------

Tare weight:	Gross weight:
--------------	---------------

Amount paid K

Date:

Superintendent.

(Added by No. 34 of 1977, s. 9(a).)

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Motor Traffic

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 14.

Form 9.

REGISTRATION CERTIFICATE.

This is to certify that—

MOTOR CAR/OMNIBUS/TRUCK/TRACTOR/TRAILER/CYCLE* NO. of
which of is owner, described as follows:—

Type: . Make: . Mfr's power rating: kW.

Colour: . Engine number: . Chassis number:

Weight (to nearest 25kg): . Country of origin:

Tyres:

is registered for use within Papua New Guinea, for a period of 12 months from

19 .

Dated . 19 .

Superintendent of Motor Traffic.

NOTIFY AT ONCE IF VEHICLE IS DISPOSED OF.

Issued subject to the *Motor Traffic Act* and the regulations in force under it. If not suspended or cancelled, this Certificate must be returned on the date of expiry to the Superintendent of Motor Traffic.

* Strike out whichever is inapplicable.

(Back of Form.)

In the event of the sale or disposal of the vehicle, the registered owner must fill in the particulars below and post or deliver the Certificate to the Superintendent of Motor Traffic.

PARTICULARS.

I have disposed of the motor
of

mentioned in this Certificate of Registration to
and authorize the transfer of the registration to him.

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Motor Traffic

The number-plate was attached to the vehicle at the time of the sale or disposal.

(Registered owner.)

Address:

Dated 19 .

MEMORANDUM OF CHANGES OF ADDRESS.

NOTE.—Written notice to be given within 14 days to the Superintendent of Motor Traffic of any change of address, and this Certificate forwarded for endorsement.

Date.	New address.	Entered by—

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 23(5).

Form 10.

CERTIFICATE OF TRANSFER OF REGISTRATION OF MOTOR VEHICLE.

No. PNG

Description of Vehicle—

Type: . Make:
Mfr's power rating: kW.
Colour: . Engine number:
Chassis number: . Country of origin:
Weight (to nearest 25kg): . Tyres:
Date of expiration of registration: 19 .

This is to certify that the registration of the above-mentioned motor vehicle has this day been transferred to the above-named in accordance with the provisions of the *Motor Traffic Act* and the regulations under it.

Dated 19 .

Superintendent of Motor Traffic.

Fee paid on transfer of registration K

Dated 19 .

Issued subject to the *Motor Traffic Act* and the regulations in force under it. If not suspended or cancelled this Certificate must be returned on the date of expiry to the Superintendent of Motor Traffic.

(Back of Form.)

In the event of the sale or disposal of the within-mentioned motor vehicle the registered owner must fill in the particulars below, and post or deliver the Certificate to the Superintendent of Motor Traffic.

PARTICULARS.

I have disposed of the motor mentioned in this Certificate of Registration to
of , and authorize the transfer of the registration to him.

The number-plate was attached to the vehicle at the time of the sale or disposal.

(Registered Owner.)

Address:

Dated 19 .

Motor Traffic

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MEMORANDUM OF CHANGES OF ADDRESS.

NOTE.—Written notice to be given within 14 days to the Superintendent of Motor Traffic of any change of address, and this Certificate forwarded for endorsement.

Date.	New address.	Entered by—

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg. Sec. 25B.

Form 10A.

SAFETY STICKER.

Office of Transport.

SEIFTI STIKA

Serial No.:

Expiry Date:

Month:

(Added by No. 34 of 1977, s. 9(b).)

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 26(1).

Form 11.

APPLICATION FOR PERMIT UNDER SECTION 11 OF THE MOTOR TRAFFIC ACT.

I apply for a permit under Section 11 of the *Motor Traffic Act* in relation to the motor vehicle described below:—

Name in full:

Address in full:

Occupation:

Description of Vehicle—

- | | |
|----------------------------|---------------------------------|
| 1. Make: | 11. Brakes: |
| 2. Type of body: | 12. Motive power: |
| 3. Mfr's power rating: kW | 13. Country of origin: |
| 4. Colour of body: | 14. Weight (to nearest 25kg): |
| 5. Chassis number: | 15. If previously registered or |
| 6. Year of manufacture: | exempted in Papua New Guinea, |
| 7. Model number or letter: | name of previous owner and |
| 8. Engine number: | registered number (if any): |
| 9. Number of cylinders: | |
| 10. Bore of cylinders: | |

Route or routes along which vehicle to be driven:

Purposes for which vehicle to be driven:

Period applied for:

Dated 19 .

(Signature of Applicant.)

(Signature of Witness.)

Address:

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Motor Traffic

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 26(2).

Form 12.

PERMIT UNDER SECTION 11 OF THE MOTOR TRAFFIC ACT.

, of , is permitted to drive the motor vehicle described as follows:—

Type: . Make: . Mfr's power rating kW.
Colour: . Engine number: . Chassis number: .
Weight (to nearest 25kg): . Country of origin: .
along (describe route or routes)
for the purpose only of
during the period from to

This permit is granted subject to the *Motor Traffic Act* and to the following conditions:—

Dated

19 .

Superintendent of Motor Traffic.

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 29(2).

Form 13.

APPLICATION FOR PMV LICENCE.

I apply for a PMV licence in respect of registered motor vehicle No. PNG

Name of owner:

Address:

Subdistrict:

Province:

Certificate of Registration No.:

Number of passengers:

Dated

19 .

(Signature of Applicant.)

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 26(3).

Form 14.

PMV LICENCE.

Motor Vehicle No. PNG (particulars below) is licensed as a general public motor vehicle.

Owner:

Address:

Make of motor vehicle:

Type of body:

Certificate of Registration No.:

Maximum number of passengers:

Cost of PMV licence—up to 10 passengers

K16.00

number of passengers in excess of 10 at K0.25 each

Total cost

K

Dated

19 .

Superintendent of Motor Traffic.

Motor Traffic

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CONDITIONS.

1. Authorized route:

2. Pick-up and set-down points Nos. _____, as published in National Gazette No.
of _____ 19 _____

Approved by the Passenger Transport Control Board _____ 19 _____, to operate on the route
between _____ and _____

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg. Sec. 31(1)(b).

Form 15.

SPECIAL REGISTRATION LABEL.

(Public Motor Vehicle)

Year of issue:

Maximum number of passengers:

In force until:

Public Motor Vehicle Licence No.:

Authorized route:

Superintendent.

(Replaced by No. 34 of 1977, s. 9(b).)

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg. Sec. 33A.

Form 15A.

APPLICATION FOR PERMIT TO DRIVE A PUBLIC MOTOR VEHICLE.

*Surname or father's name:

*Given names:

*Sex:

*Height (cm):

*Postal address:

*Residential address:

*Date of birth:

*Place of birth:

Town or Village:

Province or Country:

No. of driving licence:

Class:

Date of issue or renewal:

*These particulars to be the same as shown on application for driving licence.

(Added by No. 34 of 1977, s. 9(b).)

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Motor Traffic

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg. Sec. 38B.

Form 15B.

PERMIT TO DRIVE A PUBLIC MOTOR VEHICLE.

Not Transferable.

No.

The person whose name, address and photograph appear on this permit is permitted to drive a public motor vehicle licensed to carry not more than _____ passengers.

This permit is valid for three years from the date indicated below.

Superintendent.

Dated _____ 19 ____

NOTE.—This permit must be carried at all times when the holder is driving a public motor vehicle and must be produced to a member of the Police Force or an Inspector of Motor Traffic on demand. The permit must be returned to the Superintendent within seven days of expiry, suspension or cancellation, otherwise the holder of the permit is liable to a fine not less than K20.00 and not exceeding K100.00.

(Added by No. 34 of 1977, s. 9(b).)

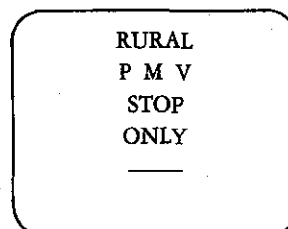
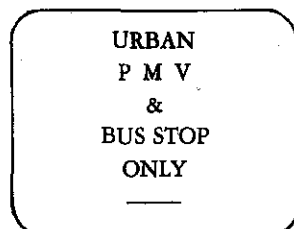
PAPUA NEW GUINEA.

Motor Traffic Act.

Reg. Sec. 38C.

Form 15C.

STOPPING PLACE SIGN.



(Added by No. 34 of 1977, s. 9(b).)

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 39(3).

Form 16.

Licence No.

TEMPORARY LICENCE AS HIRE CAR.

Motor Vehicle No. _____, of which _____, of _____, is licensed for use for the carriage of passengers for hire from _____ to _____, for the purpose of _____.

This licence is subject to the following conditions:—

Dated _____ 19 ____

Superintendent of Motor Traffic.

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Motor Traffic

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 56.

Form 17.

TEMPORARY LICENCE AS MOTOR OMNIBUS.

Motor Vehicle No. _____, of which _____, of _____, is licensed for use as a motor omnibus from _____ to _____, for the purpose of _____.

This licence is subject to the following conditions:—

Dated

19

Superintendent of Motor Traffic.

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 81.

Form 18.

APPLICATION FOR GRANT/RENEWAL* OF MOTOR VEHICLE/CYCLE* TRADER'S PLATE.

I, _____, of _____, being a manufacturer/dealer/repairer* of motor vehicles/cycles* carrying on business at _____, apply for the issue of a trader's plate for use, in connexion with my business, on a motor vehicle/cycle*, and I enclose the sum of K _____, being the prescribed fee.

The Certificate previously held by me is enclosed.**

Dated

19

(Signature of Applicant.)

(Signature of Witness.)

Address:

*Strike out whichever is inapplicable.

**Strike out if inapplicable.

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PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 82.(b).

Form 19.

TRADER'S PLATE CERTIFICATE.

Motor Vehicle/Cycle* Trader's Plate No. PNG has been issued to
manufacturers/dealers/repairers* of motor vehicles/cycles* for use on a motor vehicle/cycle* within
Papua New Guinea for a period of 12 months from 19 .

Dated 19 .

Superintendent of Motor Traffic.

Issued subject to the *Motor Traffic Act* and the regulations in force under it. If not suspended or cancelled, this Certificate must be returned on the date of expiry to the Superintendent of Motor Traffic.

MEMORANDUM OF CHANGES OF ADDRESS.

NOTE.—Written notice to be given within 14 days to the Superintendent of Motor Traffic of any change of address, and this Certificate forwarded for endorsement.

Date.	New Address.	Entered by—

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 83(2).

Form 20.

REPORT IN CONNEXION WITH APPLICATION FOR TRADER'S PLATE.

Name of applicant in full:

Address in full: (if applicant is a company, the address of the registered office should be stated here).

Number of trader's plates required—

Motor vehicles:

Motor cycles:

To

Referred for Report.

Superintendent of Motor Traffic.

Dated 19 .

Report—

1. Description of premises:
2. What machinery is installed?
3. How long has the business been established?
4. Does applicant hold an agency for any make of motor vehicle/cycle*?
5. How many motor vehicles/cycles* have been repaired during the previous three months?
6. Is the applicant's name displayed in a prominent position in front of the premises?

I have inspected the premises of the applicant. They are suitable/unsuitable* for the purposes of a motor trader, and I recommend/do not recommend* the issue of a plate.

Dated 19 .

(Signature of Inspecting Officer.)

*Strike out whichever is inapplicable.

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Motor Traffic

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 90(2)(a).

Form 21.

**APPLICATION FOR SUBSTITUTE CERTIFICATE OF REGISTRATION/DRIVING
LICENCE/TRADER'S PLATE CERTIFICATE*.**

The certificate of registration/driving licence/trader's plate certificate* No. _____ issued to
me has been lost/defaced/destroyed* in the circumstances mentioned in the attached Statutory
Declaration and I apply for a substitute certificate/licence*.

Dated _____ 19 ____.

(Signature of Applicant.)

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 90(2)(a).

Form 22.

**STATUTORY DECLARATION UNDER SECTION 90(2)(a) OF THE MOTOR TRAFFIC
REGULATION.**

I, _____, of _____, do solemnly and sincerely declare that—

1. I am the registered holder of certificate of registration/driving licence/trader's plate certificate*
No. _____ issued to me as an owner of a motor vehicle/as a driver of a motor vehicle/as a
manufacturer, dealer or repairer of motor vehicles* in connexion with a motor vehicle/cycle*.

2. The certificate of registration/licence/trader's plate certificate* has been
lost/defaced/destroyed*.

3. To the best of my knowledge and belief, no improper use has been or is being made of the
certificate of registration/licence/trader's plate certificate/trader's plate*.

AND I make this solemn declaration by virtue of the *Oaths, Affirmations and Statutory Declarations
Act* conscientiously believing the statements contained in it to be true in every particular.

Declared at _____ 19 ____.

(Signature of Declarant.)

Before me—

Justice of the Peace or Commissioner for Declarations.

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 90(2).

Form 23.

SUBSTITUTE LICENCE.

Whereas _____, of _____, having had a licence/provisional licence* to
drive a motor vehicle Class** _____ issued to him, has made a statutory declaration that
the licence has been lost/defaced/destroyed* and that no improper use has been made of it, this form
is issued to him in place of the licence, and has the same force as if it were the original licence until
19 ____, the date on which the original licence would have expired.

Description of Licensee—

Age: _____ Height: _____ cm.

Eyes (with/without* spectacles): _____ Hair: _____

Complexion: _____

Dated _____ 19 ____.

Superintendent of Motor Traffic.

(Signature of Licensee.)

Motor Traffic

Ch. No. 243

Issued subject to the *Motor Traffic Act* and the regulations in force under it. If not suspended or cancelled, this Licence must be returned on the date of expiry to the Superintendent of Motor Traffic.

NOTE.—*This Licence must always be carried, and must be produced to a member of the Police Force on demand.*

*Strike out whichever is inapplicable.

**Insert class of vehicle for which licence was issued.

NOT TRANSFERABLE.

(Back of Form.)

MEMORANDUM OF CONVICTIONS OR DISQUALIFICATIONS.

Date.	Offence.	Penalty or disqualification.	Magistrate.

MEMORANDUM OF CHANGES OF ADDRESS.

NOTE.—Written notice to be given within 14 days to the Superintendent of Motor Traffic of any change of address, and this Licence forwarded for endorsement.

Date.	New address.	Entered by—

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 90(2).

Form 24.

SUBSTITUTE CERTIFICATE.

Whereas _____, of _____, having had a certificate of registration issued to him in respect of motor vehicle/cycle* No. PNG _____ described as follows:—

Make: _____ . Type: _____ . Mfr's power rating: _____ kW.

Colour: _____ . Engine number: _____ . Chassis number: _____

Weight (to nearest 25kg): _____

Country of origin: _____ . Tyres: _____

has made a statutory declaration that the certificate has been lost/defaced/destroyed*, and that no improper use has been made of it, this form is issued to him in place of the lost certificate, and has the same force as if it were the original certificate of registration until the date on which the original certificate would have expired.

Dated _____ 19 _____

Superintendent of Motor Traffic.

Issued subject to the *Motor Traffic Act*, and the regulations in force under it. If not suspended or cancelled, this Certificate must be returned on the date of expiry to the Superintendent of Motor Traffic.

*Strike out whichever is inapplicable.

NOTIFY AT ONCE IF VEHICLE DISPOSED OF.

Motor Traffic*(Back of Form)*

In the event of the sale or disposal of the motor vehicle, the registered owner must fill in the particulars below, and post or deliver the certificate to the Superintendent of Motor Traffic.

I have disposed of the motor vehicle mentioned in this Certificate of Registration to
of , and authorize the transfer of the registration to him.

The number-plate was attached to the vehicle at the time of the sale or disposal.

Dated 19 .

(Registered Owner.)

Address:

MEMORANDUM OF CHANGES OF ADDRESS.

NOTE.—Written notice to be given within 14 days to the Superintendent of Motor Traffic of any change of address, and this Certificate forwarded for endorsement.

Date.	New address.	Entered by—

PAPUA NEW GUINEA.**Motor Traffic Act.**

Reg., Sec. 90(2).

Form 25.

SUBSTITUTE TRADER'S PLATE CERTIFICATE.

Whereas , of , having had a trader's plate certificate in relation to the issue of Trader's Plate No. PNG to him in respect of a motor vehicle/cycle* as a manufacturer, dealer or repairer of motor vehicles, has made a Statutory Declaration that the certificate has been lost/defaced/destroyed,* and that no improper use has been made of it or of the trader's plate, this form is issued to him in place of the lost certificate, and has the same force as if it were the original certificate until 19 , the date on which the original certificate would have expired.

Dated 19 .

Superintendent of Motor Traffic.

Issued subject to the *Motor Traffic Act* and the regulations in force under it. If not suspended or cancelled, this Certificate must be returned on the date of expiry to the Superintendent of Motor Traffic.

*Strike out whichever is inapplicable.

*(Back of Form.)***MEMORANDUM OF CHANGES OF ADDRESS.**

NOTE.—Written notice to be given within 14 days to the Superintendent of Motor Traffic of any change of address, and this Certificate forwarded for endorsement.

Date.	New address.	Entered by—

Motor Traffic

Ch. No. 243

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 122(1)(f)(iv).

Form 26.

PERMIT TO DRIVE WITH GRIPPING DEVICES.

_____, of _____, is permitted to drive the motor vehicle described as follows:—

Type: _____ Make: _____ Mfr's power rating: _____ kW.
Colour: _____ Engine number: _____ Chassis number: _____
Weight (to nearest 25 kg): _____ Country of origin: _____, with a
gripping device, namely _____, attached to _____ wheels for the purpose only
of _____ during the period from _____ to _____

This Permit is granted subject to the *Motor Traffic Act* and the regulations in force under it.

Dated _____ 19 _____

Superintendent of Motor Traffic.

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 125(1).

Form 27.

DEFECT NOTICE.

PART A.

To the owner and any person having charge of vehicle bearing registration No. _____
("the vehicle") —

THE VEHICLE IS DEFECTIVE

You are directed that—

(a) you must not—

- (i) drive the vehicle or allow it to be driven on a public street; or
- (ii) stand it or allow it to be stood on a public street,

after—

- * the issue of this notice;
- * the following time _____ a.m./p.m. _____ 19 _____

until—

- (iii) the defects set out in Part B of this notice have been remedied; and
- (iv) the vehicle has been inspected at the place specified in Part C of this notice by a person authorized to inspect vehicles by the Superintendent and that person has found the defects to have been remedied to his satisfaction,

unless the vehicle is being driven by the most convenient route—

- (v) to the nearest practicable place for the purpose of having the defects remedied; or
- (vi) to the place specified in Part C of this notice so that the vehicle can be inspected to check that the defects have been remedied; and

(b) you must not remove, alter or deface or allow to be removed, altered or defaced the defect label which has been affixed to the vehicle.

Ch. No. 243

Motor Traffic

WARNING.

If you act contrary to the directions contained in this Part you will be guilty of an offence and liable to a fine not exceeding K100.00.

* Strike out whichever is inapplicable.

PART B

DEFECTS.

The vehicle has the following defects:—

PART C

INSPECTION.

When the defects set out in Part B of this notice have been remedied the vehicle should be taken to the following place for inspection:—

Signature of person issuing notice

Rank

No.

Dated

, 19 .

(Replaced by No. 33 of 1979. s. 4.)

Ch. No. 243

Motor Traffic

Reg. Sec. 125(2).

Form 27A.

PAPUA NEW GUINEA.

Motor Traffic Act.

DEFECT LABEL.

Date

19 . Time

a.m./p.m.

Repairs required:

WARNING.

It is an offence to remove, alter or deface this label—

PENALTY: A fine not exceeding K100.00.

(Added by No. 33 of 1979, s. 4.)

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 136(7).

Form 28.

CERTIFICATE OF ACCURACY OF SPEED-MEASURING OR TIME-MEASURING DEVICE.

The speed-measuring or time-measuring instrument of the portable speed measuring device bearing No. was tested on 19 , and the instrument, when used with detectors placed 25m (plus or minus 75mm) apart, and set in a horizontal position, was found to be capable of accurately determining the speed at which a motor vehicle travels within a limit of error not exceeding one part in 30, and the device has, in accordance with the provisions of the *Motor Traffic Regulation*, been duly and properly sealed by the authorized testing officer.

Dated

19 .

Authorized Testing Officer.

Motor Traffic

Ch. No. 243

PAPUA NEW GUINEA.

Motor Traffic Act.

Act, Sec. 34.

Form 29.

Reg., Sec. 155.

TRAFFIC INFRINGEMENT NOTICE.

Cash Register Imprint

Name:

Address:

Date:

Licence Details:

Number:

Serial No.:

Class:

Date of birth:

If licence was not produced at the time of the issue of this notice it must be presented at
Police Station by , 19 .

It is alleged that at a.m./p.m. on , 19 , you drove motor vehicle
registered number , on Street in such a manner that the offence
indicated by a cross (X) was committed.

Signature of member of

Initials and surname.

Police Force.

Rank:

Number:

PENALTY

Brief description of offence and relevant section of the *Motor Traffic*
Act or Motor Traffic Regulation.

K

Failure to stop at pedestrian crossing when pedestrian is crossing—
Regulation Section 129(k)(ii).

20

Exceeding speed limit by more than 15km/h—Regulation Section
133(1).

Overload public motor vehicle—Regulation Section 145(4)(a) and

(b).

Disobey stop or give way sign—Regulation Section 129(1)(a), (b) and
(c).

Crossing centre line in unsafe manner—Regulation Section
131(1)(e).

20

Insecure loading—Regulation Section 142.

Failure to signal intention to turn right—Regulation 137(5)(b).

Traffic Infringement Notice (Contd.)

K

Failure to keep to the left—Regulation Section 137(2)(a).

Smooth tyres—Regulation Section 122(f)(i).

Failure to dip headlamps—Regulation Section 95.

10

Permit persons to stand in motor lorry—Regulation Section 146(1).

Permit holder not accompanied by licensed driver—Regulation Section 3(5)(a).

You may dispose of this matter either—

(a) by paying the prescribed penalty to the Officer Commanding Station within 7 days of the date of this notice; or

Police

(b) by having it dealt with by a court.

If the prescribed penalty is not paid within the time specified, court proceedings will be taken against you.

Section 34 of the *Motor Traffic Act* provides, among other things, that where the amount of the prescribed penalty for an alleged offence is paid in accordance with that section no person is liable for any further proceedings for the alleged offence and also the payment of the penalty in accordance with that section shall not be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any other criminal proceedings or any civil claim, action or proceeding arising out of the same occurrence.

NOTE: Notwithstanding that the prescribed penalty is paid pursuant to this notice or a penalty is imposed by the court, the Commissioner of Police may take into consideration the offence indicated above when deciding whether any action should be taken regarding your licence.

(Replaced by No. 62 of 1975, s. 12(n).)

PAPUA NEW GUINEA.

Motor Traffic Act.

Act. Sec. 34A.

Form 29A.

Reg., Sec. 155B.

TRAFFIC INFRINGEMENT SUMMONS.

Prescribed Offences and Prescribed Penalties.

(Tick one offence only.)

Date:

Time:

Public street:

To: (Name)

(Address)

Licence details:

Number:

Expiry date:

Class:

Date of birth:

Type: L/P/Provisional/Full*.

Sex:

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Vehicle details:

Registered No.

Make:

Type: Motor cycle/Sedan/Utility/Bus/Truck*.

Named court:

On the above date and public street you did commit the offence indicated.

HOW TO DEAL WITH THIS TRAFFIC INFRINGEMENT SUMMONS.

1. If you pay the prescribed penalty to the Clerk of the named court within 14 days commencing on the day following the service of this summons, no further proceedings will be taken against you.

OR

2. You may appear or be represented at the named court at 9.30 a.m. on the first day on which the court sits following the expiry of 14 days commencing on the day following the service of this summons to answer the charge.

NOTE: If you do not pay the prescribed penalty within the period of 14 days referred to in Paragraph 1, or if you fail to appear or be represented before the named court at the time and on the day referred to in Paragraph 2, the court will deal with the charge in your absence by recording a plea of guilty, and proceeding to sentence.

AFFIDAVIT.

I, (Name), (Rank), (No.) make oath and say that I served the within-named person with a true copy of this Traffic Infringement Summons at (place) on , 19 .

SWORN at (place) on , 19 .

BEFORE ME

(Signature of Commissioner for Oaths.)

* strike out whichever is inapplicable.

(Added by No. 20 of 1981, s. 6.)

Motor Traffic Act.

Reg., Sec. 158(6)(b)(ii).

Form 30.

NOTICE OF SEIZURE.

Motor vehicle registered No. , being a (insert type of vehicle), was on 19 seized and removed in accordance with Section 158 of the *Motor Traffic Regulation* and is now impounded and in my custody at (insert name of relevant Motor Vehicles Registry, or as the case may be).

The owner, or a person acting for or on behalf of the owner may apply to the officer-in-charge of (insert name of relevant Motor Vehicles Registry or as the case may be) for the release of the vehicle. On proof of ownership and payment of the amount fixed as the amount payable for the costs and expenses incurred in respect of the seizure, taking charge, removal, keeping, impounding and releasing of the motor vehicle to the officer-in-charge of (insert name of relevant Motor Vehicles Registry or as the case may be), the vehicle will be released to the applicant.

If at the end of a period of three months after the date of this notice the vehicle has not been claimed, or the amount due for costs and expenses referred to in the preceding paragraph has not been paid, the motor vehicle may be disposed of or destroyed in accordance with my instructions.

Dated 19 .

Superintendent of Motor Traffic.

200

=====

)

200

=====

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PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 158(7)(a).

Form 31.

APPLICATION FOR RELEASE OF VEHICLE SEIZED UNDER SECTION 158 OF THE MOTOR TRAFFIC REGULATION.

To the Officer-in-Charge,

Motor Vehicles Registry.

I, _____, of _____, the owner (or a person acting for or on behalf of the owner, *see* declaration and authorization attached), apply for the release of (insert type of motor vehicle) registered No. _____, and I agree to pay the sum of K _____, being the amount fixed by the Superintendent of Motor Traffic as being payable for costs and expenses incurred in respect of the seizure, taking charge, removal, keeping, impounding and releasing of the vehicle.

Dated _____ 19 ____.

(Signature.)

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 158(7)(a).

Form 32.

STATUTORY DECLARATION UNDER SECTION 158(7) OF THE MOTOR TRAFFIC REGULATION.

I, _____, of _____, do solemnly and sincerely declare—
that I am the owner of (insert type of motor vehicle) registered No. _____

or

that I am duly authorized to act for or on behalf of _____, the owner of (insert type of motor vehicle) registered No. _____, as appears by the authorization attached and marked with the letter 'A'.

AND I make this solemn declaration by virtue of the *Oaths, Affirmations and Statutory Declarations Act* conscientiously believing the statements contained in it to be true in every particular.

Declared at _____, 19 ____.

(Signature of Declarant.)

Before me,

Justice of the Peace or Commissioner for Affidavits.

PAPUA NEW GUINEA.

Motor Traffic Act.

Reg., Sec. 158(7)(c)(iii)

Form 33.

RECEIPT FOR MOTOR VEHICLE RELEASED.

I, _____, of _____, the applicant for the release of motor vehicle registered No. _____, on _____ 19 ____., acknowledge that that motor vehicle has been delivered to me at _____.

Dated _____ 19 ____.

(Signature.)

PAPUA NEW GUINEA.

Act, Sec. 46.

Reg. Sec., 136

Form 34.

(Crest of Royal Papua New Guinea Constabulary.)

ROYAL PAPUA NEW GUINEA CONSTABULARY.

Motor Traffic Act.

CERTIFICATE OF APPROVAL FOR SPEED MEASURING OR TIME MEASURING DEVICES.

I, _____, Commissioner of Police for the Independent State of Papua New Guinea HEREBY APPROVE as a speed/time measuring device to determine the speed at which a motor vehicle travels, in accordance with the provisions of Section 46 of the *Motor Traffic Act* and Section 136 of the *Motor Traffic Regulation*.

Make and description of device:

Dated _____ 19 ____

Commissioner of Police.

(Added by No. 29 of 1984.)

PAPUA NEW GUINEA.

Reg., Sec. 136.

Form 35.

(Crest of Royal Papua New Guinea Constabulary.)

ROYAL PAPUA NEW GUINEA CONSTABULARY.

Motor Traffic Act.

CERTIFICATE OF ACCURACY OF SPEED MEASURING OR TIME MEASURING DEVICE.

The speed/time measuring device _____ bearing No. _____ was tested by me on _____ 19 ____ and the instrument was found to be capable of accurately determining the speed at which a motor vehicle travels within a limit of error not exceeding one part in 30, and the device has, in accordance with the provisions of the *Motor Traffic Regulation* been duly and properly sealed by me.

Dated _____ 19 ____

Authorized Testing Officer.

(Added by No. 29 of 1984.)

Motor Traffic

Ch. No. 243

PAPUA NEW GUINEA.

Reg., Sec. 136.

Form 36.

(Crest of Royal Papua New Guinea Constabulary.)

ROYAL PAPUA NEW GUINEA CONSTABULARY.

Motor Traffic Act.

CERTIFICATE OF AUTHORITY TO TEST SPEED MEASURING OR TIME
MEASURING DEVICES.

I, _____, Commissioner of Police for the Independent State of Papua New
Guinea, HEREBY CERTIFY that _____ is authorized to test speed/time
measuring devices in accordance with the provisions of Section 136 of the *Motor Traffic
Regulation*.

Dated 19 .

Commissioner of Police.

(Added by No. 29 of 1984.)

SCHEDULE 2.

Reg., Sec. 4(4).

OFFENCES FOR WHICH PROVISIONAL LICENCE MAY BE CANCELLED.

Brief description of offence.	Relevant section of Act or Regulation.
Driving negligently, furiously or recklessly, or at a speed or in a manner that is dangerous to the public	Act— Section 17(1)
Driving without due care and attention	Section 17(2)
Not stopping after accident	Section 24(a)
Not observing stop sign	Regulation— Section 129(1)(b)
Not observing give way sign	Section 129(1)(d)
Not complying with requirements specified when approaching or driving through pedestrian crossing	Section 129(1)(k)
Crossing separation or lane line where such crossing not permitted	Section 131
Driving on wrong side of separation line	Section 131
Not keeping within traffic lane as required	Section 131
Exceeding speed limit	Sections 133, 135 ¹
Not giving proper signal	Section 137(2)(e), (5)(b), (6)
Not making right hand turn or diverging to right as prescribed	Section 137(5)
Not making left hand turn or diverging to left as prescribed	Section 137(6)
Not having full control of vehicle or not having clear view of the traffic	Section 137(7)(n)
Not giving way to vehicle on right	Section 137(9).

SCHEDULE 3.

Reg., Part III.,

Sec. 85(a).

REGISTRATION OF MOTOR VEHICLES.

PART I.—CLASSES OF VEHICLES.

Sch. 3.1. Classification.

Motor vehicles shall be classified as follows:—

(a) Class 1—

- (i) motor cars equipped to seat not more than eight adult persons including the driver, except motor cars that carry passengers for hire or reward; and

¹Note omission of Section 134.

- (ii) motor trucks weighing not more than 2t unladen; and
- (iii) tractors and prescribed vehicles.
- (b) Class 2—
 - (i) motor cars equipped to seat not more than eight adult persons including the driver, that carry passengers for hire or reward; and
 - (ii) all vehicles of Class 1.
- (c) Class 3—
 - (i) motor trucks of any weight, other than—
 - (A) articulated vehicles; and
 - (B) large trailer combinations; and
 - (ii) all vehicles of Class 1.
- (d) Class 4—
 - (i) motor trucks of any weight, including—
 - (A) articulated vehicles; and
 - (B) large trailer combinations; and
 - (ii) all vehicles of Class 1.
- (e) Class 5—
 - Motor cycles.
- (f) Class 6—
 - (i) motor omnibuses; and
 - (ii) all other motor vehicles except—
 - (A) articulated vehicles; and
 - (B) large trailer combinations; and
 - (C) motor cycles.

PART II.—CONDITIONS TO BE COMPLIED WITH BEFORE REGISTRATION.¹

Sch. 3.2. Completion of application form.

Particulars on the application form shall be filled in by the applicant.

Sch. 3.3. Production of vehicle.

The motor vehicle shall be produced at any time and place appointed by the Superintendent.

Sch. 3.3A Certificate of roadworthiness.

At the time and place appointed under Section Sch. 3.3, the applicant shall produce a current certificate of roadworthiness in respect of the motor vehicle. (*Added by No. 34 of 1977, s. 10.*)

Sch. 3.4. General control.

- (1) This section does not apply to a motor cycle.
- (2) The motor vehicle shall be capable of—
 - (a) being so worked that it may travel either backwards or forwards; and
 - (b) being readily steered.

Sch. 3.5. Steering arms.

- (1) This section does not apply to a motor cycle.
- (2) The motor vehicle shall have steering arms and connexions of sufficient strength.
- (3) All steering connexions shall be secured with bolts fitted with nuts, and the nuts shall be locked or pinned.
- (4) In the case of a vehicle first registered on or after 1 January, 1969, except in the case of a vehicle that is steered by means of handle-bars the steering wheel control shall be arranged on the right-hand side of the vehicle.

¹This Part largely repeats, sometimes with variations, various provisions in the body of the Regulation. Its effect may, therefore, be doubtful.

Sch. 3.6. Brakes generally.

- (1) This section does not apply to a motor cycle.
- (2) The motor vehicle shall have two independent brakes in good working order—
 - (a) of sufficient strength that either of them is capable of stopping and holding the vehicle under all conditions; and
 - (b) of such efficiency that the application of either of them—
 - (i) causes two wheels on the same axle to be effectually prevented from revolving; or
 - (ii) has the same effect in stopping the vehicle as if the wheels were so held.
- (3) Each brake shall, as far as possible, be so affixed as to be capable of easy adjustment, and at least one shall be made so as to be applied by the foot of the driver.
- (4) No two brakes that operate on the same part are, for the purposes of this section, to be taken to be independent, and at least one shall act on the road wheels without any connexion with the propelling gears.

Sch. 3.7. Brakes on motor cycles.

In the case of a motor cycle, one effective brake capable of stopping and holding the cycle is sufficient.

Sch. 3.8. Rear-vision mirrors.

The motor vehicle shall have a rear-vision mirror in which the driver may have a reasonable view of the road behind it, and where—

- (a) the vehicle is constructed for the carriage of goods and is not a station wagon; or
- (b) it is licensed to carry eight or more passengers for hire or reward; or
- (c) because of—
 - (i) the manner in which it is constructed, equipped or loaded; or
 - (ii) the fact that it is drawing a trailer or other vehicle or for any other reason,

the rear vision of the driver in an internal rear-vision mirror is obscured,

the rear vision mirror shall be affixed to the outside of the vehicle.

3.9. Smoke emission.

The lubrication of the engine and the carburation of the working mixture shall be so controlled that smoke is not emitted from the exhaust or from any other part.

Sch. 3.10. Lamps generally.

- (1) Two or four lamps in sets of two shall be installed on the front of a motor vehicle (other than a motor cycle) in accordance with this Regulation, and at least one lamp shall be suitably affixed on the rear of the motor vehicle.
- (2) A lamp shall be suitably affixed on the front of a motor cycle and a lamp shall be suitably affixed on the rear of the motor cycle, and where a side-car is attached to the motor cycle a lamp, not exceeding 7W, capable of showing a clear white light, and visible in darkness at a distance of at least 200m from the front of the vehicle, shall be so affixed to the side-car that no part of the vehicle or its load extends outwards for more than 300mm from its centre.
- (3) The lamp affixed on the rear of a motor vehicle shall be so affixed as to reflect upon the number-plate.

Sch. 3.11. Flashing lights on vehicles, etc. (*Repealed by No. 33 of 1979, s. 5.*)

Sch. 3.12. Lamps on certain larger vehicles.

In addition to the lamps required by this Schedule to be carried by a motor vehicle, a motor vehicle of or over 2t carrying capacity, other than a semi-trailer or an omnibus, shall display, in working order—

- (a) two red reflectors carried on the rear corners of the tray and visible to the following traffic; and
- (b) two white reflectors carried on the front corners of the tray and visible to the oncoming traffic; and
- (c) two clearance lamps carried on the top of the front loading board of the tray or in a position approved by the Superintendent in a manner so as to indicate the outermost extremities of the tray, showing a white light to the front and a red light to the rear.

Sch. 3.13. Lamps on semi-trailers.

In addition to the lamps required by this Schedule to be carried by a motor vehicle, a semi-trailer shall display, in working order—

- (a) two red reflectors carried on the rear corners of the tray and visible to the following traffic; and
- (b) two white reflectors carried on the front corners of the tray and visible to the oncoming traffic; and
- (c) two clearance lamps carried on the top of the front loading board of the tray or in a position approved by the Superintendent in a manner so as to indicate the outermost extremities of the tray, showing a white light to the front and a red light to the rear; and
- (d) side marker lamps on each side of the tray at intervals of 2.5m showing white to the front and red to the rear.

Sch. 3.14. Lamps on omnibuses.

In addition to the lamps required by this Schedule to be carried by a motor vehicle, an omnibus shall display, in working order—

- (a) two red reflectors carried on the rear corners of the vehicle and visible to the following traffic; and
- (b) two clearance lamps carried on the upper front corners of the cabin showing white lights and visible to oncoming traffic; and
- (c) two clearance lamps carried on the rear corners of the cabin, showing red lights and visible to the following traffic.

Sch. 3.15. Flashing light turn signals.

A motor vehicle first registered on or after 1 January 1968 shall have affixed, and in good working order, flashing light turn signals as described in Schedule 4 to indicate a "Turn Right" or "Turn Left" movement.

Sch. 3.16. Number-plate and lamp brackets.

(1) A suitable attachment shall be securely fastened in an approved position at the rear of the motor vehicle, of a size satisfactory to the Superintendent, for the purpose of affixing the number-plate.

(2) A lamp bracket shall be affixed at the rear of the motor vehicle in such a way as—

- (a) to hold the rear lamp in such a position as to reflect on the number-plate; and
- (b) not to obscure any portion of the number-plate.

Sch. 3.17. Approach warnings.

An approved bell or alarm or other means of giving due warning of the approach of the motor vehicle shall be attached to a motor vehicle in a convenient position.

Sch. 3.18. Windscreen wipers.

(1) Subject to Subsection (3), a motor vehicle fitted with a windscreen shall be equipped with a windscreen-wiper.

(2) The windscreen-wiper shall—

(a) be so constructed and positioned that it can be operated and controlled by the driver while retaining his correct driving position; and

(b) be operated by electrical, pneumatic or other continuous mechanical means.

(3) Subsection (1) does not apply to a motor cycle equipped with a windscreen that is so constructed as to permit the driver, while retaining his correct driving position, to obtain, over the top, below or to the side of the windscreen, adequate vision of the roadway ahead of the vehicle if vision through the windscreen is obscured.

Sch. 3.19. Maximum width.

The motor vehicle shall not exceed 2.5m in width.

Sch. 3.20. Silencers.

The motor vehicle shall have an efficient silencer so made and affixed that the exhaust is projected through the silencer.

Sch. 3.21. Side-cars on motor cycles.

A side-car shall not be affixed on the right-hand side of any motor cycle.

Sch. 3.22. Names and addresses of owners on motor trucks.

The name and address of the owner of a motor truck shall be painted in plain block letters on the off side of the truck and of any trailer.

SCHEDULE 3A.

(Added by No. 34 of 1977, s. 11.)

Reg. Sec. 30.**PUBLIC MOTOR VEHICLES.****Sch. 3A.1. Interpretation of Schedule 3A.**

In this Schedule, unless the contrary intention appears—

“approved material” means material approved by the Board;

“passenger area” means the area of the public motor vehicle where passenger seating is provided.

Sch. 3A.2. Additional requirements.

The requirements of this Schedule are in addition to the conditions to be complied with before registration in Schedule 3.

Sch. 3A.3. Side panels and roll bars.

Every public motor vehicle that is a truck or semi-trailer shall be fitted with—

(a) a fixed side panel of approved material not less than 100 cm in height on all sides of the passenger area; and

(b) roll bars that shall be—

(i) constructed in one piece of not less than 5 cm outside diameter galvanized pipe or approved material; and

(ii) fixed not less than 150 cm apart; and

(iii) not more than 165 cm in height from the tray of the vehicle to the top of the roll bar; and

(iv) securely mounted on the chassis or subframe of the vehicle, at a point to link up with the chassis cross members.

Sch. 3A.4. Passenger area covering.

Where the passenger area is not fully enclosed by approved material, it shall be covered with—

- (a) welded pipe mesh; or
- (b) pipes or approved material fixed not less than 20 cm apart,

that shall be attached to the side panel.

Sch. 3A.5. Width of vehicle.

A part of a public motor vehicle shall not extend beyond 15 cm on either side of the driver's cabin.

Sch. 3A.6. Entrance to passenger area.

The entrance to the passenger area of a public motor vehicle shall—

- (a) be situated on the left-hand side or at the rear of the passenger area; and
- (b) not exceed 60 cm in width; and
- (c) be fitted with a safety chain or drop bar which shall be placed in position whilst the public motor vehicle is in motion.

SCHEDULE 4.

Reg., Secs. 98, 137, 140.

FLASHING LIGHT TURN SIGNALS.

Sch. 4.1. Signals generally.

(1) Subject to Subsections (2) and (3), flashing light turn signals to indicate a "Turn Right" or "Turn Left" movement shall consist of—

- (a) two lamps facing forward, one on each side of the front of the vehicle; and
- (b) two lamps facing to the rear, one on each side of the rear of the vehicle.

(2) In the case of a motor truck less than 7.5m in length or a motor car, the signal equipment may consist of only one lamp on each side of the vehicle showing a light to the front and to the rear.

(3) In the case of a trailer, the signal equipment may consist of only one lamp on each side of the vehicle showing a light to the rear.

Sch. 4.2. Articulated vehicles and long vehicles.

In the case of—

- (a) an articulated vehicle; or
- (b) a rigid vehicle 7.5m or more in length,

either—

- (c) the front signal lamps shall be arranged and constructed; or
- (d) an additional lamp shall be provided at each side at the front of the vehicle,

so that the signals can be seen by the driver of an overtaking vehicle.

Sch. 4.3. Vehicles hauling trailers.

In the case of a motor vehicle hauling a trailer, the signal equipment on the hauling vehicle may consist of—

- (a) two lamps facing forward, one on each side of the front, and, if the combination of hauling vehicle and trailer is 7.5m or more in length, two lamps facing to the rear, one on each side of the rear; or
- (b) one lamp on each side showing a light to the front and to the rear.

Sch. 4.4. Placement of lamps.

The signal lamps shall be—

- (a) symmetrically placed not less than 750mm apart and not more than 500mm from the extreme width of a vehicle other than a motor cycle; and
- (b) mounted not more than 2m above ground level.

Sch. 4.5. Operation of lamps.

(1) The switching on of a signal lamp shall be followed by the appearance of the light within a maximum period of one second, and the light shall flash regularly at a rate of not less than 60 nor more than 120 flashes per minute.

(2) Signal lamps on the same side of a vehicle or combination of vehicles—

- (a) shall flash in phase; and
- (b) shall be operated by the same control switch.

(3) The light emitted by a signal lamp shall be readily visible both by day and by night from the front or rear of the vehicle, or both, as the case may be, at a distance of 30m.

Sch. 4.6. Indicators.

An indicator that will inform the driver by visible or audible means when the signals are functioning correctly shall be fitted.

Sch. 4.7. Colour of light.

The light from a signalling device referred to in this Schedule shall be—

- (a) white or amber in colour when projected forward; and
- (b) red or amber in colour when projected to the rear.

Sch. 4.8. Effectiveness of signalling devices.

A signalling device referred to in this Schedule shall be capable of being operated readily.

SCHEDULE 5.

Reg., Secs. 96, 102.

OPTIONAL LAMPS AND REFLECTORS.**Sch. 5.1A Optional lighting equipment.**

In addition to the compulsory lighting equipment required in Schedule 3, motor vehicles may be equipped with—

- (a) lamps and reflectors as provided in this Schedule; and
- (b) such lamps capable of displaying a flashing or rotating light as the Superintendent may approve either generally or in any particular case, of a colour approved by the Superintendent; and
- (c) such additional lamps and reflectors as the Superintendent may approve either generally or in any particular case.

(Added by No. 33 of 1979, s. 6.)

Sch. 5.1 Rear lamps and reflectors.

(1) A motor vehicle may be equipped with any of the following optional lamps and reflectors facing to the rear—

- (a) lamps capable of displaying to the rear of the vehicle a red light; and
- (b) reflectors capable of projecting to the rear of a vehicle a red reflection of the light from the lamp of any following vehicle; and
- (c) not more than two reversing lamps—
 - (i) of the same colour and symmetrically placed; and
 - (ii) capable of showing white or amber light to the rear; and

(iii) so arranged that they will, where practicable, light only when the vehicle is proceeding backwards.

(2) The centre of a lamp or reflector referred to in Subsection (1) shall not be higher from the ground than—

- (a) in the case of a lamp or reflector referred to in Paragraph (a) or (b)—1.5m; and
- (b) in the case of a lamp referred to in Paragraph (c)—1m.

Sch. 5.2. Forward lamps and reflectors.

A motor vehicle may be equipped with any of the following optional lamps and reflectors facing forwards—

- (a) two lamps affixed symmetrically to the vehicle, of a power not exceeding 7W, that will show a white light to the front of the vehicle; or
- (b) reflectors symmetrically placed on each side of the vehicle, fitted to the right-hand side of the vehicle and capable of projecting to the front of the vehicle a white reflection of light.

Sch. 5.3. Interior light.

A motor vehicle may be equipped with a lamp to illuminate the interior of the vehicle for the convenience of the driver and any other person in it, if it does not project any light other than that necessary for that purpose.

Sch. 5.4. Fog lamps.

(1) A motor vehicle, other than a motor cycle, may be equipped with—

- (a) two fog lamps affixed to the front of the vehicle, one on each side of, and equidistant from the centre line of, the vehicle, at equal heights from the ground and so that the centres of the lamps are not less than 600mm apart; or
- (b) one fog lamp, if there are also affixed symmetrically to the front of the vehicle and at an equal height from the ground two lamps—
 - (i) of a power not exceeding 7W each; and
 - (ii) the centres of which are not less than 1m apart.

(2) Motor cycles may be equipped with one fog lamp.

(3) A lamp referred to in Subsection (1) or (2) shall—

- (a) be capable of showing white or amber light only; and
- (b) have the axis of the beam of light deflected—
 - (i) downwards; or
 - (ii) both downwards and to the left; and
- (c) have its centre not higher than the centre of any compulsory headlamp or optional headlamp affixed to the vehicle.

Sch. 5.5. Spot or search lamps.

A motor vehicle may carry a spot or search lamp.

SCHEDULE 6.

Reg., Sec. 112(1)(d), (e).

SPECIAL WEIGHT LIMITATIONS.

Axle spacing.	Permissible weight.
	kg
Less than 1.0m	8 100
Not less than 1.0m but less than 3.3m	16 200
Not less than 3.3m but less than 3.6m	16 700
Not less than 3.6m but less than 3.9m	17 200
Not less than 3.9m but less than 4.2m	17 800
Not less than 4.2m but less than 4.5m	18 300
Not less than 4.5m but less than 4.8m	18 800
Not less than 4.8m but less than 5.1m	19 300
Not less than 5.1m but less than 5.4m	19 800
Not less than 5.4m but less than 5.7m	20 300
Not less than 5.7m but less than 6.0m	20 800
Not less than 6.0m but less than 6.3m	21 200
Not less than 6.3m but less than 6.6m	21 700
Not less than 6.6m but less than 6.9m	22 200
Not less than 6.9m but less than 7.2m	22 700
Not less than 7.2m but less than 7.5m	23 200
Not less than 7.5m but less than 7.8m	23 700
Not less than 7.8m but less than 8.1m	24 200
Not less than 8.1m but less than 8.4m	24 700
Not less than 8.4m but less than 8.7m	25 200
Not less than 8.7m but less than 9.0m	25 700
Not less than 9.0m but less than 9.3m	26 200
Not less than 9.3m but less than 9.6m	26 700
Not less than 9.6m but less than 9.9m	27 100
Not less than 9.9m but less than 10.2m	27 600
Not less than 10.2m but less than 10.5m	28 100
Not less than 10.5m but less than 10.8m	28 600
Not less than 10.8m but less than 11.1m	29 100
Not less than 11.1m but less than 11.4m	29 600
Not less than 11.4m but less than 11.7m	30 100
Not less than 11.7m but less than 12.0m	30 600
Not less than 12.0m but less than 12.3m	31 100
Not less than 12.3m but less than 12.6m	31 600
Not less than 12.6m but less than 12.9m	32 100
Not less than 12.9m but less than 13.2m	32 600
Not less than 13.2m but less than 13.5m	33 100
Not less than 13.5m but less than 13.8m	33 500
Not less than 13.8m but less than 14.1m	34 000
Not less than 14.1m but less than 14.4m	34 500
Not less than 14.4m but less than 14.7m	35 000
Not less than 14.7m but less than 15.0m	35 500
Not less than 15.0m but less than 15.3m	36 000
Not less than 15.3m but less than 15.6m	36 500

(Amended by No. 62 of 1975, s. 14.)

SCHEDULE 7.

Reg., Sec. 116.

WEIGHT OF CERTAIN GOODS.

Goods.	Weight by measurement.
Asbestos cement 2.4m x 1.2m x 4.5mm	30 sheets per t
Bitumen	4.5 drums per t
Cement	20 x 50kg bags per t 25 x 40kg bags per t
Chubbs Safe No. 3	335kg
Cocoa	16 bags per t
Coffee, green	17 bags per t
Coffee, parchment	17 bags per t
Concrete, ready-mixed	0.41m ³ per t
Copra	16 bags per t
Dieseline	5 heavy 200 l drums per t 5-2/3 light 200 l drums per t
Electric stoves	10 per t
Fence posts	1m ³ per t
Flour	15 bags per t
Gravel or crushed rock (less than 50mm max. size)	0.65m ³ per t
Kerosene	5-2/3 heavy 200 l drums per t 6 light 200 l drums per t
Lubricating oil	5 x 200 l drums per t
Maize (husked)	14 bags per t
Masonite 2.4m x 1.2m x 5mm	40 sheets per t
Meat, tinned (ration issue under <i>Native Employment Act 1958</i> , (Adopted), etc.)	52 cases per t
Motor spirit	5-2/3 heavy 200 l drums per t 6 light 200 l drums per t
Peanuts (in shell)	30 bags per t
Peanuts (shelled)	20 bags per t
Plywood	2.1m ³ per t
Refrigerators (domestic type) (crated)	3.5 per t
Rice, dried brown	20 bags per t
Rubber	20 bales per t
Salt, common	20 bags per t
Sand, dry	0.73m ³ per t
Sugar	32 bags per t
Tobacco 191's	100kg per case
Wheatmeal	13 bags per t
Wire, barbed	22 reels per t.

SCHEDULE 8.

Reg., Secs. 29, 31, 145.

MAXIMUM NUMBER OF PASSENGERS.

Sch. 8.1. Maximum number where seating facilities provided.

(1) Subject to Subsection (2), the number of passengers that may be carried on a truck or semi-trailer—

(a) that is registered as a public motor vehicle; and

(b) in which seating facilities are provided,

is determined—

(c) by dividing the length of the table top or tray, in millimetres, by 1 000 to give the number of rows of seats; and

(d) by dividing the width of the table top or tray, in millimetres, by 400 to give the number of seats permissible in each row,

and by multiplying the figures so obtained.

(2) The number of passengers that may be carried on an omnibus—

(a) that is registered as a public motor vehicle; and

(b) in which seating facilities are provided,

is determined—

(c) by dividing the length of the inside of the cabin, in millimetres, by 660 to give the number of rows of seats; and

(d) by dividing the width of the inside of the cabin, in millimetres, by 400 to give the number of seats in each row,

and by multiplying the figures so obtained and reducing the total so obtained by one passenger per row of seats.

(3) Seating to which Subsection (1) applies shall not be such that if all seats were occupied by persons each weighing 70 kg the gross weight of the vehicle would exceed the gross weight as defined in Section 103.

Sch. 8.2. Maximum number where full seating facilities not provided.

(1) Where no seating facilities are provided, one passenger only is permitted for each 0.55m² of space of the table top or tray of a truck or semi-trailer.

(2) Where seating facilities are provided in part only of the table top or tray of a truck or semi-trailer—

(a) the number of passengers permitted in the area where no seating facilities are provided is to be determined in accordance with Subsection (1); and

(b) the number of passengers permitted in the area in which seating is provided is to be determined in accordance with Section Sch. 8.1.

Sch. 8.3. Passengers in cabins.

No more than two persons (exclusive of the driver) may travel in the cabin of a truck or semi-trailer that is registered as a general public motor vehicle.

Sch. 8.4. Passengers in Landrovers.

No more than six person (exclusive of the driver) may travel in a Landrover that is registered as a general public motor vehicle or a motor omnibus.

Sch. 8.5. Passengers in public motor vehicles.

No more than five persons (exclusive of the driver) may travel in a motor car registered as a general public motor vehicle, a public hire car, or a private hire car or a motor omnibus.

SCHEDULE 9.

Act, Secs. 34, 34A.¹

(Replaced by No. 20 of 1981. s. 7).

OFFENCES FOR WHICH ON-THE-SPOT INFRINGEMENT NOTICES
AND TRAFFIC INFRINGEMENT SUMMONSES MAY BE ISSUED
UNDER SECTIONS 34 AND 34A¹ OF THE ACT AND PENALTIES
PRESCRIBED FOR THOSE OFFENCES IF DEALT WITH UNDER
THOSE SECTIONS.

Column 1. Brief description of offence.	Column 2. Relevant section of Act or regulation.	Column 3. Prescribed. penalty.
DRIVING/TURNING/REVERSING		K.
<i>Driving:</i>	<i>Act No:</i>	
Driving without due care and attention	17(2)	60
	<i>Regulation No:</i>	
Failure to give way to emergency vehicle	139	20
Failure to keep vehicle within traffic lane	131(1)(d)	10
Failure to drive on the left	137(2)(a)	10
Overtaking on incorrect side	137(2)(c)	10
Failure to give stop/slow down signal	137(2)(e)	15
Failure to give way to vehicle on right	137(9)	20
<i>Turning:</i>		
Failure to signal intention to turn right	137(5)(b)	20
Turning right in incorrect manner	137(5)(d)	15
<i>Reversing:</i>		
Reversing for unnecessary distance/time	137(7)(m)	5
Not in position to have full control/clear view	137(7)(n)	20
SIGNS/SIGNALS/TRAFFIC LIGHTS		
<i>Signs:</i>	<i>Regulation No:</i>	
Disobeying "stop" sign	129(1)(a)	30
Disobeying "give way" sign at one lane bridge	129(1)(c)	30
Disobeying "give way" sign at intersection/ adjoining carriageway	129(1)(d)	30
Failing to keep two unbroken separation lines to right of vehicle	131(1)(a)	15
Failing to keep unbroken and broken separation lines to right of vehicle	131(1)(b)	15
Disobeying prescribed traffic sign	129(1)(n)	15

¹Section 34A(2)(e)(iii) of the Act declared unconstitutional by the Supreme Court. See Supreme Court Reference 1A of 1981.

Motor Traffic

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Column 1. Brief Description of offence.	Column 2. Relevant section of Act or regulation.	Column 3. Prescribed. penalty.
Signals:		
Disobeying directions of a policeman	137(2)(f)	20
Traffic Lights:		
Driver/pedestrian disobeying traffic control light signal	129(2)	30
Pedestrian disobeying pedestrian control light signal	129(3)	10
BRAKES/STEERING/TYRES/EQUIPMENT		
Brakes:	<i>Regulation No:</i>	
No efficient footbrake	122(e)(i)	40
No efficient handbrake	122(e)(ii)	10
Steering:		
Excessive movement in steering	122(d)	30
Tyres:		
Defective tyres	122(f)	30
Equipment:		
No efficient horn	122(a)	15
Unnecessary noise with horn	121(b)	10
Unapproved warning device	122(b)	5
Faulty silencer	121(a)	20
No efficient windscreen wiper	122(c)	10
No rear view mirror	122(g)	10
Rear view mirror not affixed in prescribed manner	122(h)	10
Failure to disengage indicators	99	10
Owner failing to maintain indicators	100	5
Excessive smoke	137(7)(e)	30
VEHICLE LIGHTS	<i>Regulation No:</i>	
Defective headlights at night	94(1)(a)	20
Defective motorcycle headlight at night	94(2)(a)	20
Defective rear lights at night	94(1)(b)	20
Defective rear motor cycle rear lights at night	94(2)(b)	20
Failure to dip headlamp for oncoming vehicle	95	10
Standing vehicle with headlamp alight at night	96(1)	5
Vehicle displaying unapproved lights	Sch. 5.1A(b)	10
Misuse of flashing rotating emergency lights	97	10
LOADS/PASSENGERS/TOWING		
Loads:		
Insecure load/equipment	142	40
Vehicle load exceeding 2.5 m wide without authority	143	10
Unmarked overhanging rear load exceeding 1.9 m	144(a)	10

Column 1. Brief Description of offence.	Column 2. Relevant section of Act or regulation.	Column 3. Prescribed. penalty.
Overhanging rear load exceeding 3 m without authority	144(b)	10
Passengers:		
Carrying more than 8 passengers without authority	33H(1)	20
Motor lorry carrying standing passenger	146(1)	10
Passenger standing in motor lorry	146(2)	10
Carrying passengers on tray without proper sides	148	10
Allowing part of body to protude from vehicle	149(b)	5
Motor vehicle, other than P.M.V., with passenger overload	145(1)	15
Motor cycle passenger incorrectly carried	150(3)	10
Not wearing properly fastened motor cycle helmet	150(4)	10
Towing:		
Motor vehicle incorrectly towing another vehicle	141(1)	10
PEDESTRIAN AND CHILDREN'S CROSSING		
	<i>Regulation No.</i>	
Failure to stop at pedestrian crossing	129(1)(k)(ii)	30
Overtaking at a pedestrian crossing	129(1)(k)(iii)	30
Failure to stop at children's crossing	129(m)(ii)	30
Failure to wait until all children have crossed	129(m)(iii)	30
Overtaking at children's crossing	129(m)(iv)	30
SPEED LIMITS	<i>Regulation No.</i>	
Exceeding speed limit in town	133(1)(a)	30
Exceeding speed limit outside town	133(1)(b)	20
Exceeding 25 km/h over pedestrian crossing	129(k)(i)	15
Exceeding 25 km/h over children's crossing when signs exhibited	129(m)(i)	10
Exceeding 25 km/h past school when children going to/coming from school	135(1)	10
PUBLIC MOTOR VEHICLES	<i>Act No:</i>	
Unlicensed P.M.V.	23	60
	<i>Regulation No:</i>	
Failure to produce P.M.V. licence within 24 hrs	33F	50
No P.M.V. permit	33	60
Failure to produce P.M.V. permit on demand	33G	20
Overloading P.M.V.	33I	40
Carrying standing passengers in P.M.V.	33J(1)	20

Column 1. Brief Description of offence.	Column 2. Relevant section of Act or regulation.	Column 3. Prescribed penalty.
Passenger standing in P.M.V.	33J(2)	20
P.M.V. picking up/setting down passengers away from authorized stop	33N(2)	50
Owner displaying P.M.V. number plate on unlicensed P.M.V.	33L(1)(a)(i)	50
Owner displaying special registration label on unlicensed P.M.V.	33L(1)(a)(ii)	50
Driving unlicensed P.M.V. with P.M.V. number plate affixed	33L(1)(b)	50
Driving unlicensed P.M.V. with special registration label affixed	33L(1)(b)	50
DRIVING LICENCES/'L' AND 'P' PLATES		
<i>Driving Licences:</i>		
Driving whilst unlicensed	Act No: 21(1)	50
Failure to produce license on request	30(1)	20
Employ/permit unlicensed driver	21(2)	50
<i>Regulation No:</i>		
Failure to notify loss of driving licence within 7 days	90(1)	5
Failure to notify change of address within 14 days	89(1)(a)	5
<i>'L' and 'P' plates:</i>		
Failure to display 'L' Plate on vehicle	3(5)(b)	20
Failure to display 'L' plate on motor cycle	3(6)(b)	20
Learner unaccompanied by licence holder	3(5)(a)	40
Learner carrying passenger on motor cycle	3(6)(a)	20
Permit learner (no 'L' plate on vehicle)/ (no 'L' plate on motor cycle)/ (carrying passenger on motor cycle)	3(5)(b) and (6)(b)	20
Permit learner unaccompanied by licence holder	3(7)	40
Failure to display 'P' plate on vehicle	4(3)(a)	10
Failure to display 'P' plate on motor cycle	4(3)(b)	10
REGISTRATION AND SAFETY STICKER		
<i>Act No.</i>		
Failure to display number plate	22(2)(a)	5
Number plate obscured	22(2)(b)	5
Number plate obliterated	22(2)(c)	5
Number plate damaged	22(2)(d)	5
Unregistered motor vehicle	22(1)	50
<i>Regulation No:</i>		
Failure to display clearly legible registration label	18(3)	3

Column 1. Brief Description of offence.	Column 2. Relevant section of Act or regulation.	Column 3. Prescribed penalty.
Owner operating vehicle without certificate of roadworthiness	25B(9)	50
Safety sticker not affixed	25B(10)	25
PARKING/STANDING/OBSTRUCTION		
Parking sign:	Regulation No:	
Disobeying no parking/no standing sign	129(1)(n)	5
Parking in excess of time limit on sign	129(1)(n)	5
Parking at incorrect angle to angle parking sign	137(7)(d)	5
Standing:		
Standing vehicle abreast of another vehicle	137(7)(e)	5
Standing vehicle within 6 m on approach to pedestrian crossing	137(7)(g)	20
Standing vehicle within 4 m of separation lines	137(7)(b)	5
Parking at incorrect angle to angle parking sign	137(7)(d)	5
Standing:		
Standing vehicle abreast of another vehicle	137(7)(e)	5
Standing vehicle within 6 m on approach to pedestrian crossing	137(7)(g)	20
Standing vehicle within 4 m of separation lines	137(7)(b)	5
Standing vehicle within 6 m of building line	137(7)(i)	5
Standing vehicle with no clear view of it for 50 m	137(7)(j)	5
Vehicle not standing close to edge of carriageway (one way street)	137(7)(b)	5
Vehicle not standing close to left edge of carriage way (two way street)	137(7)(c)	5
Leaving vehicle without precautions against starting	137(7)(k)	5
Obstruction:		
Obstructing traffic	138(1) or (3)	10
Unattended vehicle causing inconvenience	138(2)	10
MISCELLANEOUS		
	Regulation No:	
Owner not having name and address printed on lorry	152	3
Tare and gross weight not displayed on lorry	114(1)	5

SCHEDULE 10.

(Replaced by No. 27 of 1982.)

Reg., Secs. 3(1), 4(1), 4(5)(b),
5, 8(2), 14(1), 16(2), 19(3), 21(3),
23(5), 26(4), 29(1), 82(2), 88(2), 90,
91(2), 122(3), 159.

FEES.

NOTES.—1. For the purposes of this Schedule—

“motor car” includes any motor vehicle (other than a motor cycle or trailer) used solely for domestic purposes;

“semi-trailer” means a vehicle to which Section 1(3) of the Act applies.

2. Where a vehicle of the type known as a prime mover is used with one semi-trailer, the prime mover and the semi-trailer shall be deemed to be a single vehicle.

3. Where a vehicle of the type known as a prime mover is used with any one of a number of semi-trailers—

(a) the vehicle and the semi-trailer that would, if it were a trailer, attract the lowest registration fee shall be deemed to be a single vehicle; and

(b) the other semi-trailers shall be deemed to be trailers.

4. Item 5 applies to a prime mover and a trailer that, by virtue of Note 2 or 3(a), are deemed to be a single vehicle.

Item	Description	Fee
		K.
1.	Licence, or renewal of licence to drive a motor vehicle	20.00
2.	Provisional licence to drive a motor vehicle	6.00
3.	Fee for a permit or renewal of permit to drive a public motor vehicle	30.00
4.	Registration or renewal of registration of a motor car with an engine size—	
	not exceeding 1300cm ³ (c.c.)	60.00
	exceeding 1300cm ³ (c.c.) but not exceeding 2000cm ³ (c.c.)	70.00
	exceeding 2000cm ³ (c.c.) but not exceeding 4000cm ³ (c.c.)	100.00
	exceeding 4000cm ³ (c.c.)	170.00
5.	Registration or renewal of registration of commercial vehicles (other than motor cars, motor cycles, trailers or motor tractors) not used solely for domestic purposes, where the manufacturer's rated load—	
	does not exceed 0.5t	60.00
	exceeds 0.5t but does not exceed 1t	70.00
	exceeds 1t but does not exceed 1.5t	80.00
	exceeds 1.5t but does not exceed 3t	105.00
	exceeds 3t but does not exceed 4t	150.00
	exceeds 4t but does not exceed 5t	160.00
	exceeds 5t	160.00
	and in addition, where the manufacturer's rated load exceeds 5t, for each tonne or part of a tonne in excess of 5t	20.00
6.	Registration or renewal of registration of a motor cycle—	
	without side car	20.00
	with side car	40.00
7.	Registration or renewal of registration of a trailer used solely for domestic purposes and of a caravan—	
	Where body length—	
	does not exceed 2m	5.00
	exceeds 2m but does not exceed 4m	15.00
	exceeds 4m	23.00

Item	Description.	Fee
		K.
8.	Registration or renewal of registration of a trailer other than a trailer used solely for domestic purposes— for every 250kg or part of 250kg of rated load capacity as assessed by the Superintendent	2.00
9.	Registration or renewal of registration of a motor tractor with an engine size— not exceeding 2500cm ³ (c.c.) exceeding 2500cm ³ (c.c.) but not exceeding 6000cm ³ (c.c.) exceeding 6000cm ³	21.00 25.00 32.00
	Tractors having other than pneumatic tyres shall bear a surcharge, in addition to the above fees, of one-half of the relevant fee.	
10.	Registration or renewal of registration of a fork-lift, crane, front-end loader, grader or other implement not elsewhere specified	25.00
11.	Replacement of number plate for defaced or lost number plate	6.00
12.	Replacement certificate of registration for lost, defaced or destroyed certificate of registration	6.00
13.	Replacement licence for lost, defaced or destroyed driving licence	6.00
14.	Replacement certificate relating to trader's plate lost, defaced or destroyed	4.00
15.	Fee payable where number plate delivered to Superintendent under Section 88(2) is returned defaced	6.00
16.	Fee for registration of transfer of motor vehicle	6.00
17.	Fee for alteration of certificate of registration of motor cycle to allow side car to be used with motor cycle	4.00
18.	Fee for issue or renewal of public motor vehicle licence— (a) for each vehicle licensed to carry up to 10 people (b) for each passenger licensed to be carried in excess of 10	20.00 0.30
20.	Fee for trader's plate— first plate for use on a motor vehicle other than a motor cycle each additional plate for use on a motor vehicle other than a motor cycle first plate for use on a motor cycle each additional plate for use on a motor cycle	50.00 6.00 6.00 1.00
21.	Fee for a permit to drive unregistered vehicle	6.00
22.	Fee for permit under Sec.122(1)(f)(iv)	4.00
23.	Fee for learner's permit—Sec. 3	13.00

SCHEDULE 11.

(Added by No. 34 of 1977, s. 13, amended by No. 20 of 1981, s. 8.)

Reg., Sec. 25B.

FEES.

PART I.—SCALE OF FEES FOR EXAMINATION AND TESTING FOR ROADWORTHINESS.

	K
1. Motor cycle with or without side-car	1.00
2. Motor car or motor lorry weighing not more than 2 000 kg	6.00
3. Motor lorry weighing more than 2 000 kg and prime movers	8.00
4. Trailers where braking system not required	1.00
5. Trailers where braking system required	2.00
6. Articulated vehicles or large trailer combinations	10.00
7. Omnibuses and public motor vehicles seating capacity under 25	8.00
8. Omnibuses and public motor vehicles seating capacity 25 and over	10.00

PART 2.—FEE FOR REPLACEMENT CERTIFICATE OF ROADWORTHINESS, ETC.

	K.
Replacement certificate of roadworthiness, safety sticker of both	2.00

PART 3.—FEE FOR SAFETY STICKER.

Fee for issue of safety sticker	0.50.
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 243.

Motor Traffic.

SUBSIDIARY LEGISLATION.

1. Act, Section 5(2).—Ex officio appointments of Inspectors of Motor Traffic.

Bogia Subdistrict, Madang Province, officer of the Public Service administering, to be Inspector at Bogia (office as at 3 June 1955).

Kairuku Subdistrict, Central Province, officer of the Public Service administering, to be Inspector at Kairuku (office as at 9 June 1954).

Kerema Subdistrict Office, Gulf Province, officer-in-charge, to be Inspector at Kerema (office as at 27 November 1956).

Rigo Subdistrict Office, Central Province, officer-in-charge, to be Inspector at Rigo (office as at 27 September 1956).

Talasea Subdistrict, West New Britain Province, Assistant District Officer, to be Inspector at Talasea (office as at 25 September 1956).

2. Act, Section 7.—Appointment of Motor Vehicle Registries.

Abau, Central Province, Subdistrict Office (as at 21 September 1964).

Alotau, Milne Bay Province, Police Station (as at 12 March 1971).

Bereina, Central Province, Subdistrict Office (as at 25 October 1964—this date, the date of the relevant notice, is obviously incorrect as the appointment was gazetted on 4 June 1964).

Bogia, Madang Province, District Office (as at 3 June 1955).

Buin, Bougainville Province, Subdistrict Office (as at 25 September 1956).

Bwagaoia, Milne Bay Province, District Office (as at 2 May 1952).

Daru, Western Province, District Office (as at 20 December 1955).

Gehua, Milne Bay Province, District Office (as at 2 May 1955).

Kainantu, Eastern Highlands Province, Subdistrict Office (as at 27 July 1961).

Kairuku, Central Province, Subdistrict Office (as at 9 January 1954).

Kerema, Gulf Province, Subdistrict Office (as at 27 November 1956).

Kieta, Bougainville Province, Subdistrict Office (as at 12 December 1956).

Lake Kopiago, Western Highlands Province, Subdistrict Office (as at 13 August 1965).

Losuia, Milne Bay Province, District Office (as at 2 May 1952).

Maprik, East Sepik Province, Subdistrict Office (as at 19 August 1963).

Marshall Lagoon Patrol Post, Central District (as at 21 September 1964).

Mendi, Southern Highlands Province, Police Station (as at 17 November 1964).

Miak Patrol Post, Karkar, Madang Province (as at 5 June 1964).

Minj, Western Highlands Province, Subdistrict Office (as at 28 April 1960).

Mount Hagen, Western Highlands Province, District Office (as at 25 September 1956).

Rigo, Central Province, Subdistrict Office (as at 27 September 1956).

Sinaeada, Milne Bay Province, Subdistrict Office (as at 18 August 1959).

Talasea, West New Britain Province, District Office (as at 25 September 1956).

Wabag, Enga Province, Subdistrict Office (as at 28 April 1960).

3. Act, Section 29(1).—Speed limits.

Aropa Airstrip Road, Kieta, Bougainville Province (approximately 22.5km¹)—48km/h² (description as at 24 July 1970).

Boroko—Barune Road, National Capital District, commencing at a point 160m³ to the south-east or Boroko side of the area and buildings known as the Administration College, Waigani and ending at a point 160m³ to the north-west or Barune side of that area and buildings—48km/h² (description as at 10 October 1966).

Boroko—Taurama Beach Road, National Capital District, commencing at a point 160m³ to the north-east or Boroko side of the area known as Taurama Barracks and ending at a point 160m³ to the south-east or Taurama Beach side of Taurama Barracks—48km/h² (description as at 10 October 1966).

Highlands Highway, Morobe Province, for 533.75m⁴ measured in a south-easterly direction along the centre line of that Highway from a point 134.2m⁵ north-west of the north-west corner of the concrete traffic island at the Department of Transport⁶ weighing station approximately 5km⁷ from Lae—24km/h⁸ (description as at 15 June 1972).

Hubert Murray Highway, National Capital District, the portion indicated by approved signs from the junction of Kookaburra Street to the junction of Sogeri Road—64km/h⁹, except where lower speed limits apply (description as at 16 October 1970).

Kaiapit Subdistrict Office, Morobe Province, area within 2.4km¹⁰ of—48km/h² (description as at 21 December 1971).

Markham River Bridge, Morobe Province—8km/h¹¹ (description as at 30 June 1960).

Nonga Road, East New Britain Province, the portion indicated by approved signs erected within approximately 275m¹² of the boundaries of Nonga Hospital adjacent to Nonga Road—32km/h¹³ (description as at 16 October 1970).

¹ Metricated editorially. The original distance was 14 miles.

² Metricated editorially. The original speed was 30 m.p.h.

³ Metricated editorially. The original distance was 1/10 mile.

⁴ Metricated editorially. The original distance was 1750 ft.

⁵ Metricated editorially. The original distance was 440 ft.

⁶ As at the effective date, the reference was to the Department of Transport, Works and Supply.

⁷ Metricated editorially. The original distance was approximately 3 miles.

⁸ Metricated editorially. The original speed was 15 m.p.h.

⁹ Metricated editorially. The original speed was 40 m.p.h.

¹⁰ Metricated editorially. The original distance was 1 1/2 miles.

¹¹ Metricated editorially. The original speed was 5 m.p.h.

¹² Metricated editorially. The original distance was 300 yds.

¹³ Metricated editorially. The original speed was 20 m.p.h.

Popondetta, town of—32km/h¹.

Rabaul—Kokopo Road, East New Britain Province, commencing at a point 0.8km² to the east or Rabaul side of the building known as the Raluana Council Chambers and ending at a point 1.6km³ to the west or Kokopo side of that building—48km/h⁴ (description as at 19 September 1958).

Tunuru Road, Kieta, Bougainville Province (approximately 16km⁵)— 48km/h⁴ (description as at 24 July 1970).

Waigani Drive, National Capital District, the portion indicated by approved signs from the intersection of Cameron Road to the main entrance gates of the University of Papua (and) New Guinea adjacent to Waigani Drive—64km/h⁶, except where lower speed limits apply (description as at 16 October 1970).

4. Regulation, Section 52.—Application of Division V.4 (Motor Omnibuses).

Bougainville Province

Central Province

East New Britain Province

Madang Province

Morobe Province

National Capital District

Northern Province

West New Britain Province.

5. Regulation, Section 115.—Limitation on weight, size, etc., of vehicles and distance between vehicles.

Brandi River Bridge, Boram—Brandi Road, Wewak Subdistrict, East Sepik Province—maximum weight 2.04t⁷ gross (description as at 29 April 1966).

Embogo River Bridge, Northern Province (Bailey construction, 38.3km⁸ from Popondetta)—maximum weight 13.2t⁹ (description as at 15 July 1966).

Erero River Bridge, Northern Province (Bailey construction, 41.5km¹⁰ from Popondetta)—maximum weight 8.13t¹¹ (description as at 15 July 1966).

Gogol Road between Yagaum and Mawan, Madang Province—maximum weight 7.1t¹² gross (description as at 14 April 1964).

Highlands Highway, between Mount Hagen, Western Highlands Province and Mendi, Southern Highlands Province—maximum weight 24.2t (description as at 18 June 1974).

Kemp Welch River Bridge, between Kwikila and Kapagere, Central Province—maximum weight 10.2t¹³ gross (description as at 17 July 1970).

¹ Metricated editorially. The original speed was 20 m.p.h.

² Metricated editorially. The original distance was $\frac{1}{4}$ mile.

³ Metricated editorially. The original distance was 1 mile.

⁴ Metricated editorially. The original speed was 30 m.p.h.

⁵ Metricated editorially. The original distance was 10 miles.

⁶ Metricated editorially. The original speed was 40 m.p.h.

⁷ Metricated editorially. The original weight was 2 tons.

⁸ Metricated editorially. The original distance was 23.8 miles.

⁹ Metricated editorially. The original weight was 13 tons.

¹⁰ Metricated editorially. The original distance was 25.8 miles.

¹¹ Metricated editorially. The original weight was 8 tons.

¹² Metricated editorially. The original weight was 7 tons.

¹³ Metricated editorially. The original weight was 10 tons.

Killerton Beach Bridge, Northern Province (steel and timber construction, 23.97km¹ from Popondetta)—maximum weight 20.32t² (description as at 15 July 1966).

Lae, City of, all public streets in, except—

Boundary Road

Bumbu Road

Frigate Street

Heron Street

Huon Road

Ibis Street

Marine Parade

Markham Road

Markham Road, all public streets south-west of

Milford Haven Road

Seagull Street

maximum weight 3.05t³ gross (description as at 6 April 1970).

Lae/Wau Road, Morobe Province, any bridge on—

(a) semi-trailers—maximum weight 24.39t⁴ gross; and

(b) other vehicles—maximum weight 19.3t⁵ gross, (description as at 13 August 1965).

Lower Girua Bridge, Northern Province (Bailey construction, 20.27km⁶ from Popondetta)—maximum weight 20.32t² (description as at 15 July 1966).

Markham River Bridge, Morobe Province—

(a) articulated vehicles—maximum weight 18.3t⁷ gross; and

(b) other vehicles—maximum weight 14.23t⁸ gross (description as at 30 June 1970).

Mount Hagen, Wayne Street, Western Highlands Province—maximum weight 3.05t³ gross (description as at 30 June 1970).

Mumeng Bridge, Morobe Province—

(a) articulated vehicles—maximum weight 24.39t⁴ gross; and

(b) other vehicles—maximum weight 18.3t⁷ gross (description as at 30 June 1970).

Perakles Bridge Morobe Province—

(a) articulated vehicles—maximum weight 24.39t⁴ gross; and

(b) other vehicles—maximum weight 18.3t⁷ gross (description as at 30 June 1970).

¹ Metricated editorially. The original distance was 14.9 miles.

² Metricated editorially. The original weight was 20 tons.

³ Metricated editorially. The original weight was 3 tons.

⁴ Metricated editorially. The original weight was 24 tons.

⁵ Metricated editorially. The original weight was 19 tons.

⁶ Metricated editorially. The original distance was 12.6 miles.

⁷ Metricated editorially. The original weight was 18 tons.

⁸ Metricated editorially. The original weight was 14 tons.

Perinin Bridge, Morobe Province—

- (a) articulated vehicles—maximum weight 24.39t¹ gross; and
- (b) other vehicles—maximum weight 18.3t² gross, (description as at 30 June 1970).

Port Moresby—Rigo Road, between Manugoro Village and the junction with the Kapakapa—Kwikila Road at Bird's Store, Central Province—maximum weight 1.02t³ (including load) (description as at 7 February 1963).

Tuoima Bridge, Morobe Province—

- (a) articulated vehicles—maximum weight 24.39t¹ gross; and
- (b) other vehicles—maximum weight 18.3t² gross, (description as at 30 June 1970).

Yufi Yufa Bridge, Eastern Highlands Province—

- (a) maximum weight 2.04t⁴ (including load); and
- (b) distance between vehicles such that not more than one vehicle is on the bridge at any one time (description as at 26 January 1965).

¹ Metricated editorially. The original weight was 24 tons.

² Metricated editorially. The original weight was 18 tons.

³ Metricated editorially. The original weight was 1 ton.

⁴ Metricated editorially. The original weight was 2 tons.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER No. 243.

Motor Traffic.

APPENDIX 1.

SOURCE OF THE MOTOR TRAFFIC ACT.

Part A.—Previous Legislation.

Motor Traffic Act 1950 (No. 28 of 1950)

as amended by—

Motor Traffic Act 1953 (No. 68 of 1953)

Motor Traffic Act 1955 (No. 26 of 1955)

Motor Traffic Act 1963 (No. 51 of 1963)

Motor Traffic Act 1964 (No. 48 of 1964)

Motor Traffic Act 1965 (No. 13 of 1965)

Motor Traffic Act 1967 (No. 16 of 1967)

Motor Traffic Act (No. 2) 1967 (No. 17 of 1967)

Motor Traffic (Minimum Penalties) Act 1973 (No. 111 of 1973)

Motor Traffic (Appointment of Inspectors) Act 1978 (No. 9 of 1978)

Motor Traffic (Traffic Infringement Summons) Act 1981 (No. 4 of 1981).

Part B.—Cross-references.

Section, etc., in Revised Edition	Previous Reference. ¹	Section, etc., in Revised Edition.	Previous Reference. ¹
1	6	16	19E, 19F
2	4	16A	19I
3	28	17	7(1), (1A) (in part), (1B), (2)
4	6A		9(1), (2) (in part)
5	6B(2), 6C	18	9(2A), (2B), (2C)
6	6B(1)	19	9(3)
7	6D	20	10(1)(a), (b)
8	6E, 19A(6)	21	10(1)(c), (2), 19A(4)
9	6F	22	11
10	c.f. 33(b), (c)	23	13
11	19A	24	14
12	19B	25	15
13	19C(1), 19D	26	16
14	19CA (in part)	27	17
15	19CA (in part), 19C(2)	28	

¹Unless otherwise indicated, references are to the Act set out in Part A.

Motor Traffic

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Part B.—Cross References—*continued.*

Section, etc., in Revised Edition.	Previous Reference.	Section, etc., in Revised Edition.	Previous Reference.
29	32	37	21(2), (3)
30	8(1), (2)	38	21(5)
31	8(3)	39	21(7)
32	12	40	19
33	18	41	23
34	19AA	42	24
34A	19AB	43	29
34B	19AC	44	30
35	7(1A) (in part), 9(2) (in part)	45	31
36	21(1), (4)	46	32A
		47	19H, 33

APPENDIX 2.

SOURCE OF THE MOTOR TRAFFIC REGULATION.

Previous Legislation.

Motor Traffic Regulation

as amended by—

Motor Traffic (Amendment) Regulation 1982 (Statutory Instrument No. 27 of 1982).

APPENDIX 2.

SOURCE OF THE MOTOR TRAFFIC REGULATION.

Previous Legislation.

Motor Traffic Regulation

as amended by—

Motor Traffic (Amendment) Regulation 1982 (Statutory Instrument No. 27 of 1982)

Motor Traffic (Amendment No. 2) Regulation 1984 (Statutory Instrument No. 22 of 1984)

Motor Traffic (Amendment) Regulation 1984 (Statutory Instrument No. 29 of 1984).

Part B.—Cross References—*continued.*

Section, etc., in Revised Edition.	Previous Reference.	Section, etc., in Revised Edition.	Previous Reference.
17	15	48	H.C. 18, 19, 22
18	4(4), 16 (in part), 17 (in part) 87	49	H.C. 21
19	16 (in part), 17 (in part), 18,	50	H.C. 30A
19A	16A	51	Omnibus 5 (in part)
20	22(2), 28, 29	52	Omnibus 6
21	21	53	Omnibus 11
22	25	54	Omnibus 7(1)—(6), 34
23	26	55	Omnibus 7(7)
24	24	56	Omnibus 10
25	31	57	Omnibus 14
25A	30	58	Omnibus 12, 13, 13A, 14A
25B	45A	59	Omnibus 8(1)
25C	45B	60	Omnibus 8(2), (3)
25D	45C	61	Omnibus 9
25E	45D	62	Omnibus 15
26	45E	63	Omnibus 16, 16A
27	32	64	Omnibus 17, 18, 19
28	33	65	Omnibus 19A
29	34	66	Omnibus 22
30	35	67	Omnibus 24, 26
31	36	68	Omnibus 20, 21
32	37	69	Omnibus 23
33	38	70	Omnibus 25
33A	38A	71	Omnibus 27A
33B	38B	72	Omnibus 35
33C	38C	73	Omnibus 31
33D	38D	74	—
33E	38E	75	H.C. 26; Omnibus 27
33F	38F	76	H.C. 27; Omnibus 28
33G	38G	77	H.C. 28; Omnibus 29
33H	38H	78	H.C. 29; Omnibus 30
33I	38I	79	H.C. 30; Omnibus 32
33J	38J	80	H.C. 31; Omnibus 33
33K	38K	81	10 (in part)
33L	38L	82	39(1) (in part)
33M	38M	83	39(1) (in part), 40
33N	38N	84	41, 42
33O	38O	85	45
33P	38P	86	43
34	38Q	87	46
35	H.C. 5 (in part)	88	22(1)
36	H.C. 9	89	48
37	H.C. 6(1)—(5)	90	19
38	H.C. 7(1)—(4)	91	20
39	H.C. 6(6), 7(5)	92	49(a)
40	H.C. 8(1)—(3)	93	49(b)
41	H.C. 12	94	50
42	H.C. 10, 10A	95	51
43	H.C. 12A	96	52
44	H.C. 11	97	53
45	H.C. 13	98	63, 64
46	H.C. 14—17	99	65
47	H.C. 20	100	66
	H.C. 23, 24, 25	101	67, 68, 69, Eighth Schedule

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Part B.—Cross References—*continued.*

Section, etc., in Revised Edition.	Previous Reference.	Section, etc., in Revised Edition.	Previous Reference.
102	Fifth Schedule, Cl. 1	155A	110A
103	90 (in part)	155B	110B
104	90 (in part)	156	111
105	106, 107	157	112
106	107A	158	115
107	107B	159	13
108	91, 96	Schedules—	Schedules—
109	92, 96	Schedule 1—	First Schedule—
110	93, 96	Form 1	Form 7
111	94, 96	Form 2	Forms 1A, 6
112	95, 96	Form 3	Form 4
113	97(1)(a), (b), (2), (4)	Form 4	Form 3
114	97(1)(c), (3)	Form 5	Form 2
115	98, 99	Form 6 (Rep.)	Form 8
116	102	Form 7	Form 5
117	103	Form 8	Form 9
118	104	Form 8A	Form 1AA
119	100	Form 9	Form 1
120	105	Form 10	Form 10
121	54	Form 10A	Form 17G
122	59	Form 11	Form 16
123	61	Form 12	Form 17
124	113	Form 13	Form 17A
125	47	Form 14	Form 17B
126	70	Form 15	Form 17C
127	71, 72(1)	Form 15A	Form 17D
128	72(2)—(5)	Form 15B	Form 17E
129	72(6), 73, 74	Form 15C	Form 17F
130	75	Form 16	H.C., Form 1
131	76	Form 17	Omnibus, Form 1
132	77	Form 18	Form 18
133	56	Form 19	Form 19
134	57	Form 20	Form 20
135	55	Form 21	Form 11
136	114	Form 22	Form 12
137	78	Form 23	Form 13
138	79	Form 24	Form 14
139	58	Form 25	Form 15
140	88	Form 26	Form 22
141	89, 116	Form 27	Form 21
142	84	Form 27A	Form 21A
143	60(a)	Form 28	Form 23
144	60(b), (c)	Form 29	Form 22A
145	83	Form 29A	Form 22B
146	82(1), (2)	Form 30	Form 24
147	85	Form 31	Form 25
148	82(3)(a)	Form 32	Form 26
149	60(d), 82(3)(b)	Form 33	Form 27
150	80, 81	Schedule 2	Second Schedule
151	86	Schedule 3—	Third Schedule—
152	62	Sch. 3.1	Part I.
153	27	Sch. 3.2	Part II.—
154	109	Sch. 3.3	Cl. 1
155	110	Sch. 3.3A	Cl. 2
		Sch. 3.4	Cl. 2A
			Cl. 3

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Part B.—Cross References—*continued.*

Section, etc., in Revised Edition.	Previous Reference.	Section, etc., in Revised Edition.	Previous Reference.
Sch. 3.5	Cl. 4	Schedule 4—	Fourth Schedule—
Sch. 3.6	Cl. 5	Sch. 4.1	Cl. 1(a)
Sch. 3.7	Cl. 6	Sch. 4.2	Cl. 1(b)
Sch. 3.8	Cl. 7	Sch. 4.3	Cl. 1(c)
Sch. 3.9	Cl. 8	Sch. 4.4	Cl. 1(d)
Sch. 3.10	Cl. 9	Sch. 4.5	Cl. 1(e), (f), (h)
Sch. 3.11 (Rep)	Cl. 10	Sch. 4.6	Cl. 1(g)
Sch. 3.12	Cl. 11	Sch. 4.7	Cl. 2
Sch. 3.13	Cl. 12	Sch. 4.8	Cl. 3
Sch. 3.14	Cl. 13	Schedule 5—	Fifth Schedule—
Sch. 3.15	Cl. 14	Sch. 5.1A	Cl. 1
Sch. 3.16	Cl. 15	Sch. 5.1	Cl. 2
Sch. 3.17	Cl. 16	Sch. 5.2	Cl. 3
Sch. 3.18	Cl. 17	Sch. 5.3	Cl. 4
Sch. 3.19	Cl. 18	Sch. 5.4	Cl. 5, 6, 7
Sch. 3.20	Cl. 19	Sch. 5.5	Cl. 8
Sch. 3.21	Cl. 20	Schedule 6	Ninth Schedule
Sch. 3.22	Cl. 21	Schedule 7	Tenth Schedule
Schedule 3A—	Schedule 3A—	Schedule 8—	Sixth Schedule—
Sch. 3A.1	Cl. 1	Sch. 8.1	Cl. 1
Sch. 3A.2	Cl. 2	Sch. 8.2	Cl. 2, 3
Sch. 3A.3	Cl. 3	Sch. 8.3	Cl. 4
Sch. 3A.4	Cl. 4	Sch. 8.4	Cl. 5
Sch. 3A.5	Cl. 5	Sch. 8.5	Cl. 6
Sch. 3A.6	Cl. 6	Schedule 9	Seventh Schedule
		Schedule 10	Eleventh Schedule

